

5. The cardholder and card cannot be verified as required by the issuer's procedures;

6. The zip code associated with the billing address for the card, as presented by the cardholder, is not confirmed by the card organization's address verification system;

7. The signature on the cash access document required by (e)6 above does not conform to the signature on the identification credential; or

8. The cardholder is on the Division's Exclusion List or the Division's Self-Exclusion List, or the casino licensee determines that the cardholder is otherwise not permitted to proceed with a cash access transaction.

(h) For all cash access transactions in excess of \$2,000, a still photographic facial image of the cardholder shall be captured and marked in a way that allows it to be associated with the cardholder's cash access transaction.

(i) To complete the cash access transaction, the cage cashier or transfer company representative shall:

1. Print a cash access document in the amount of the funds to be disbursed to the cardholder;

2. Record a description of the identification credential presented by the cardholder, including any credential number (for example, driver's license number, passport number), expiration date, and jurisdiction of issuance;

3. Obtain the signature of the patron on the cash access document;

4. Compare the signature on the cash access document to the signature on the cardholder's identification credential;

5. Obtain the thumb print of the cardholder on a designated area of the cash access document;

6. Initial the cash access document as evidence of the completed verification process; and

7. Exchange the draft and cage cashier or transfer company booth representative receipt for an equivalent amount of funds.

(j) The facial image required in (h) above and the cage cashier or transfer company booth representative receipt shall be retained by the casino licensee or transfer company, as applicable, for a period of two years.

(k) A casino licensee or transfer company representative shall immediately report any suspicious or fraudulent cash access transaction activity to the Division.

13:69D-1.25 Procedure for acceptance of checks, cash equivalents, and credit cards; issuance of Counter Checks or Slot Counter Checks

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

(e) A person may obtain cash or slot tokens at the cashiers' cage or slot booth or cash at the simulcast counter or keno booth to be used for gaming purposes by presenting a recognized credit or debit card to a general cashier, pari-mutuel cashier, keno writer, or slot cashier. **When processing the transaction for cash, the casino shall follow the procedures set forth in N.J.A.C. 13:69D-1.18C and those established by the card's issuer.** When processing the transaction for slot tokens, the casino licensee shall follow the procedures established by the card's issuer.

(f)-(o) (No change.)

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Enforcement Service

Proposed Readoption with Amendments: N.J.A.C. 13:20

Proposed Repeals and New Rules: N.J.A.C. 13:20-4.1, 25.1, and 33.50

Proposed New Rules: N.J.A.C. 13:20-4.5, 4.6, and 4.7

Proposed Repeals: N.J.A.C. 13:20-5.1, 15, 22, 24.2 through 24.9, 24.12 through 24.20, 25.2, 25.3, 25.4, 25.5, 32.50 through 32.71, 33.51 through 33.71, 47, and 48

Proposed Recodification with Amendments: N.J.A.C. 13:19-14 as 13:20-18 and 13:19-10.3 as 13:20-17.6

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

Authority: N.J.S.A. 39:2-3, 39:3-10, 39:3-11, 39:3-27.14, 39:3-27.39, 39:3-27.44, 39:3-27.45, 39:3-33.3, 39:3-33.7, 39:3-43, 39:3-63, 39:3-75, 39:3-75.2, 39:3-76.6, 39:3-77, 39:3-81, 39:3-84a(10), 39:3B-5, 39:3B-10, 39:3B-24, 39:4-208, 39:5-30, 39:5B-29a, 39:8-1, 39:8-2, 39:8-4, 39:8-4.1, 39:8-10, 39:8-57, 39:8-77, and 39:10-4; and Reorganization Plan 005-1998.

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

Proposal Number: PRN 2013-061.

Submit comments by June 14, 2013 to:

Kate Tasch, Administrative Practice Officer
Motor Vehicle Commission
Regulatory and Legislative Affairs
225 East State Street
PO Box 162
Trenton, New Jersey 08666-0162

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 the agency rulemaking calendar. Therefore, this notice of proposal is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5. This notice of proposal also constitutes a proposed revision to the State's Inspection and Maintenance State Implementation Plan (SIP); a copy of the notice of proposal will be forwarded to the United States Environmental Protection Agency (USEPA). The public comment period will be concurrent with the comment period on this rulemaking.

The Motor Vehicle Commission (Commission) proposes to readopt the provisions of N.J.A.C. 13:20, Enforcement Service, in accordance with the "sunset" and other provisions of Executive Order No. 66 (1978) and the Administrative Procedure Act, N.J.S.A. 52:14B-5.1. The rules contained in N.J.A.C. 13:20 will expire on December 5, 2013, pursuant to N.J.S.A. 52:14B-5.1.c(2).

The rules contained in N.J.A.C. 13:20 implement various provisions of Title 39 of the Revised Statutes (Motor Vehicles and Traffic Regulation) pertaining to sun-screening materials and products, registration of facilities that install or apply approved sun-screening materials and products, motor vehicle equipment, motor vehicle inspection, penalty reduction for non-out-of-service equipment violations, motorcycle equipment, handicapped person identification vehicle registration plates and placards, parking on State property, driver reexamination, compliance with diesel emission standards and equipment, inspection of new heavy-duty diesel trucks, inspection of new motor vehicles, inspection of school buses, school bus out-of-service criteria, driver improvement schools, inspection standards and test procedures for official inspection facilities and licensed private inspection facilities,

special registration plates, standards for motor vehicles with elevated chassis height, dimensional standards for automobile transporters, enhanced motor vehicle inspection and maintenance, licensing of private inspection facilities, registration of motor vehicle emission repair facilities, diesel emission inspection and maintenance, licensing of diesel emission inspection centers, inspection standards and test procedures for diesel emission inspection centers, school bus chassis and body equipment standards, school bus insurance requirements, and standards for alternatively-fueled school buses.

The Commission has reviewed N.J.A.C. 13:20 in accordance with Executive Order No. 66 (1978) and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and has determined that the rules are “necessary, adequate, reasonable, efficient, understandable and responsive to the purpose for which they were promulgated.” Many of these rules implement the public policy of this State as set forth in the Title 39 of the Revised Statutes, namely, to foster highway safety by providing standards for motor vehicle and motorcycle equipment, providing standards and test procedures for motor vehicle inspection, and by establishing driver improvement school program requirements and driver reexamination categories premised on driver violation and accident records.

A summary of each subchapter and of sections with proposed amendments, repeals, or new rules in N.J.A.C. 13:20 follows:

Throughout the chapter, amendments are also proposed to correct the name of the Motor Vehicle Commission’s unit inspecting buses, which is the Inspection Services Bus Unit. The former units were the Commercial Bus Inspection and Investigation Unit and the School Bus Inspection Unit. Throughout the rules, further proposed amendments reflect the change in P.L. 2010, c. 29, which moved inspections of vehicles less than five years old (rather than four years old) to every five years.

Subchapter 1, Standards and Specifications Governing the Types of Sun-Screening Materials and Products that may be Installed or Applied to Windshields and Front Side Windows of Motor Vehicles for which Medical Exemption Certificates Have Been Issued; Standards Governing the Issuance of Medical Exemption Certificates, establishes standards and specifications governing the types of sun-screening materials and products that may be installed or applied to windshields and front side windows of motor vehicles that are driven by or are used to transport a person having a medical condition involving ophthalmic or dermatological photosensitivity and for which medical exemption certificates have been issued. Proposed amendments to N.J.A.C. 13:20-1.7 reflect statutory changes to the Commission’s inspection procedure, where documents, such as medical exemption certificates are no longer presented at motor vehicle inspections, which evaluate motor vehicles’ emissions.

Subchapter 2, Registration of Facilities that Install or Apply Approved Sun-Screening Materials and Products to Windshields and Front Side Windows of Motor Vehicles for which Medical Exemption Certificates Have Been Issued, sets forth the standards for the registration of facilities that install or apply approved sun-screening materials and products to windshields and front side windows of motor vehicles that are driven by or used to transport a person having a medical condition involving ophthalmic or dermatological photosensitivity and for which medical exemption certificates have been issued.

Subchapter 3 is reserved.

Subchapter 4, Power Steering Installation, concerns power steering equipment installed in motor vehicles that are offered for sale, sold, or registered in New Jersey.

The heading of the subchapter is proposed for amendment to reflect the proposed amended contents of the subchapter to now be “vehicle equipment.” N.J.A.C. 13:20-4.1 is proposed for repeal, as the section, pertaining to permitted power steering devices, would be relocated to a more germane section, N.J.A.C. 13:20-4.2 as new subsection (b). Proposed new N.J.A.C. 13:20-4.1 is proposed to be the definition section of the subchapter. N.J.A.C. 13:20-4.2 is proposed for amendment to remove the requirement that power steering equipment be approved by the Chief Administrator. The proposed requirement is that all power steering equipment meets the requirements prescribed by the 49 CFR 570.7 and 49 CFR 570.63, which are incorporated into the rule by reference the Federal authority in this area. This provides for consistency

with Federal regulations. The proposed amendments also remove the requirement for presentation of satisfactory evidence that the power equipment can be used manually in the event of a failure of the power unit. The Federal regulations require power steering devices to have this ability, and with the requirement that power systems meet Federal requirements, approval from the Chief Administrator would no longer be required. Existing N.J.A.C. 13:20-5.2 is proposed for recodification as new N.J.A.C. 13:20-4.3(a) and existing N.J.A.C. 13:20-5.3 is proposed for relocation as N.J.A.C. 13:20-4.3(b). Existing N.J.A.C. 13:20-6.1 is proposed for recodification as N.J.A.C. 13:20-4.4 without change. New N.J.A.C. 13:20-4.5 is proposed to contain provisions concerning stud tires requirements. The new rule requires that all stud tires sold in New Jersey meet U.S. Department of Transportation (USDOT) requirements. The USDOT is the Federal entity that remains up-to-date with the latest changes in types of studs, and requiring tire manufacturers in New Jersey to meet USDOT requirements allows consistency for manufacturers selling stud tires in other states.

New N.J.A.C. 13:20-4.6 is proposed to contain provisions concerning brake linings. The new rule would require all brake linings on motor vehicles offered for sale, sold, or registered in New Jersey to meet all applicable requirements of Federal FMVSS No. 105, which are incorporated herein by reference as amended and supplemented. FMVSS No. 105 specifies requirements for vehicles equipped with hydraulic and electric service brake systems and associated parking brake systems. Existing rules at Subchapter 22 require the Chief Administrator’s approval procedure for brake linings. Requiring, instead, compliance with Federal standards serves to ensure the latest Federal safety standards are followed, and allows consistency for manufacturers selling brake products in other states. New N.J.A.C. 13:20-4.7 is proposed to contain rules for safety glazing material, requiring all safety glazing materials or other equipment on motor vehicles offered for sale, sold, or registered in New Jersey to meet safety standards set forth by the FMVSS, in Standards No. 205 and 205a, which are incorporated herein by reference as amended and supplemented. FMVSS Nos. 205 and 2051 specify standard requirements for glazing material. This promotes uniformity for entities operating in other states, as well as ensures safety standards established at the Federal level are followed.

Subchapter 5, Manual Door Equipment, requires that all vehicles registered in New Jersey be equipped with door handles or equivalent devices that permit doors to be opened manually from inside and outside the vehicle. N.J.A.C. 13:20-5.1 is proposed for repeal, and, as discussed above, the provisions of N.J.A.C. 13:20-5.2 are recodified as N.J.A.C. 13:20-4.3(a) and N.J.A.C. 13:20-5.3 is proposed for repeal as the provisions of this rule are relocated without change as N.J.A.C. 13:20-4.3(b).

Subchapter 6, Muffler Devices, prohibits the use of straight exhaust pipes or mufflers without interior baffle plates on motor vehicles, is proposed for recodification as N.J.A.C. 13:20-4.4, as discussed above.

Subchapter 7, Vehicle Inspection, provides that motor vehicles subject to inspection shall be inspected on a biennial basis. N.J.A.C. 13:20-7.1, definitions, is proposed for amendment to add definitions proposed for use in the subchapter, as follows: “driving school vehicle,” which is added to describe that vehicle type; “electric vehicle,” which is added since electric fuel vehicles are the only types of vehicles fully exempt from emissions testing; “inspection decal” is amended and expanded to describe locations at which such a decal may be issued. N.J.A.C. 13:20-7.2 exempts from the inspection requirements of the subchapter certain enumerated classes of motor vehicles (for example, historic motor vehicles, collector motor vehicles, farm tractors and traction equipment, farm machinery and implements, and in-transit construction equipment). Proposed amendments add to the exempt list motorcycles, diesel powered motor vehicles having a gross vehicle weight rating (GVWR) of greater than 8,500 pounds but less than 10,000 pounds, diesel powered motor vehicles model year 1996 or older having a GVWR less than 8,501 pounds, and electric vehicles, which are proposed to be subject to inspection under other provisions of the rules, as discussed below. N.J.A.C. 13:20-7.2 is further proposed for amendment to add classes of vehicles subject to inspection on an annual basis, and include heavy duty diesel powered motor vehicles with GVWR of 18,000 pounds or more, special paratransit as defined in N.J.S.A. 48:4-1, driving school vehicles,

and ambulances, as these have specific safety concerns necessitating annual inspections. N.J.A.C. 13:20-7.3 is proposed for amendment to reflect the new name of the Bus Unit, and to remove motorcycles from the list of required vehicles for inspection at official inspection facilities, reflecting a statutory change. N.J.A.C. 13:20-7.4 is proposed for amendment to limit inspections of certain vehicles to emissions and emission-related items such as emission control equipment and on-board diagnostics.

Subchapter 8, Penalty Reduction for Non-Out-of-Service Equipment Violations, outlines the process for effecting a penalty reduction through proof of repair of a non-out-of-service equipment violation, designates approved entities that are authorized to issue certifying documents (that is, Certifications of Repair), and specifies certain satisfactory certifying documents.

Subchapter 9, Handicapped Parking Privileges, establishes administrative procedures for the issuance of registration plates and placards for persons with a disability, so that they may exercise special parking privileges provided by State law. Both the heading of the subchapter and the terminology used within are proposed for amendment to reflect current accepted terminology and delete references to handicap or handicapped, instead referring to persons with disabilities.

Subchapter 10, Automatic Vehicle Identification Systems, sets forth the application process that must be followed by a person (such as a toll authority or agency organized under the laws of this State or any other state) seeking approval to utilize an automatic vehicle identification system on a vehicle, motor vehicle, or motor-drawn vehicle registered in this State.

Subchapter 11 is reserved.

Subchapter 12, Driver Reexamination, implements those provisions of Title 39 of the Revised Statutes (N.J.S.A. 39:3-10 and 39:5-30) pertaining to driver licensing and the suspension of driving privileges of those individuals who are not proper persons to hold such privileges.

Subchapter 13 is reserved.

Subchapter 14, Parking on State Property, establishes guidelines for parking in parking areas under the jurisdiction of the Commission. The rules also provide procedures for the issuance and suspension of parking permits for parking areas maintained by the Commission.

Subchapter 15, Stud Tires, sets forth design and construction standards for stud tires sold and/or used in New Jersey and is proposed for repeal. Rules for sellers of stud tires are relocated as new N.J.A.C. 13:20-4.5.

Subchapter 16 is reserved.

Subchapter 17, Driver Improvement Schools, provides for the attendance and successful completion of the Commission's remedial driver education course as a condition to restoration of driving privileges or as satisfaction of all or part of a period of suspension imposed by the Commission. N.J.A.C. 13:20-17.3 contains proposed amendments to clarify through a rule that Commission-administered programs are \$150.00, and to add as new subsection (b) that those administered by a driving school or safety organization pay a \$75.00 administrative fee to the Commission plus the tuition fee of up to \$75.00 charged by the program providers. The subchapter is proposed for amendment to use more accurate terminology covering driver education.

N.J.A.C. 13:20-17.5 is proposed for amendment to inform enrollees that those who are enrolled in a Probationary Driver Program course must make payment and complete the course within 120 days from the date of the fee due notice, which is printed on the notice. Those who enroll in a Driver Improvement Program course must complete the course and make payment within 60 days.

Existing N.J.A.C. 13:19-10.3 is proposed for recodification as N.J.A.C. 13:20-17.6 and concerns remedial driver education programs, therefore, Subchapter 17 is a more logical location for the subject matter. The heading is amended to reflect the accurate title of the remedial driver education program. N.J.A.C. 13:20-17.6(c) and (f) are deleted to remove reference to fees for the driver improvement programs, which are addressed in N.J.A.C. 13:20-19.3. N.J.A.C. 13:20-17.6(d) is amended to clarify that those required to attend a Probationary Driver Program must complete the program within 120 days of the fee due notice, or be subject to a driver license suspension.

N.J.A.C. 13:19-14 is proposed for recodification with amendments as N.J.A.C. 13:20-18 for logical codification. The proposed amendments

update codifications and cross-references based on the recodification of this subchapter.

Subchapters 19, 20, and 21 are reserved.

Subchapter 22, Brake Linings, sets forth design and construction standards for brake linings offered for sale, sold, and/or used on motor vehicles operated in New Jersey, and is proposed for repeal. Rules for brake linings are relocated to N.J.A.C. 13:20-4.6.

Subchapter 23 is reserved.

Subchapter 24, Motorcycles, sets forth design, construction, and label standards for goggles, face shields, windscreens, and protective helmets offered for sale, sold, and/or used by operators and passengers of motorcycles. The rules also establish testing and approval procedures for such devices. Proposed amendments at N.J.A.C. 13:20-24.1(a) and (b) require safety standards to meet Federal safety specifications of the American Standard Safety Code for eye, ear, and respiratory protection, 22.1-1959, promulgated by the American Standards Association, Inc., which is incorporated into the rule by reference, as amended and supplemented and delete subsection (c), which contains the requirement that the Chief Administrator set standards to approve the goggles, windscreens, or faceshields. This will ensure the Federal standards are followed to allow for the most up-to-date safety standards for motorcyclists, while eliminating duplicative requirements and processes that motorists must follow. Requiring Federal safety standards be followed enables the proposed repeal of N.J.A.C. 13:20-24.2 through 24.9 and 24.12 through 24.20, as these sections prescribe specific requirements covered by the Federal standards, and the process for the Chief Administrator's approval. The proposed amendments provide the citation for the Federal standards and the source from where to obtain them, and remove the statement that copies are available at the Motor Vehicle Commission offices from N.J.A.C. 13:20-24.10(b). The widespread availability of electronic data has subsumed the need to print and maintain hardcopies of the Federal regulations.

Subchapter 25, Safety Glazing Material: Other Equipment, implements those provisions of Title 39 of the Revised Statutes (N.J.S.A. 39:3-43, 39:3-75, and 39:3-77) pertaining to the approval of motor vehicle equipment and safety glazing material and the procedure to be followed in submitting motor vehicle equipment and safety glazing material for approval by the Commission. This subchapter is proposed for repeal and replaced with N.J.A.C. 13:20-4.7, referencing FMVSS 205 and 205a.

Subchapter 26, Compliance with Diesel Emission Standards and Equipment, Periodic Inspection Program for Diesel Emissions, and Self-Inspection of Certain Classes of Motor Vehicles, establishes a diesel emission inspection program for heavy-duty diesel trucks that incorporates a self-inspection element and an annual inspection. Proposed amendments would change the centers at which heavy-diesel trucks are inspected, with the Commission accommodating heavy-diesel trucks at licensed private inspection facilities. This change is in accord with the Commission's inspection efficiency and customer convenience efforts. N.J.A.C. 13:20-26.16 and 26.17 are proposed for amendment to remove references to official inspection facility, as inspections in this subchapter are performed at licensed private inspection facilities.

Subchapter 27, Inspection of New Heavy-Duty Diesel Trucks, incorporates the inspection of new heavy-duty diesel trucks by licensed New Jersey new motor vehicle dealers and by motor vehicle leasing companies into New Jersey's diesel emission inspection and maintenance program. Proposed amendments in N.J.A.C. 13:20-27.6(b) and (c) change the inspection facility from diesel emission inspection centers to private inspection facilities. This change is in accord with the Commission's inspection efficiency and customer convenience efforts. The change is made throughout the rules for accuracy.

Subchapter 28, Inspection of New Motor Vehicles, implements those provisions of Title 39 of the Revised Statutes (N.J.S.A. 39:8-2) pertaining to the character and frequency of inspections of motor vehicles. N.J.A.C. 13:20-28.4 is proposed for amendment to delete subsection (d), which requires any new motorcycle dealer that inspects new motorcycles pursuant to Subchapter 28 be licensed as a Class III private inspection facility pursuant to Subchapter 44, as the inspection is no longer required. N.J.A.C. 13:20-28.6(a) is proposed for amendment to remove reference to inspection decals on license plates, as the Commission does not require or issue decals on license plates pursuant to this subchapter.

Subchapter 29, Mobile Inspection Unit, establishes the Commission's Mobile Inspection Unit to conduct roadside inspections of vehicles registered in this State. N.J.A.C. 13:20-29.2(a) sets forth procedures for motor vehicles that are found to be in proper operating condition, including retention of the existing inspection certificate of approval or certificate of waiver and issuance of a certificate of approval for the biennial inspection cycle applicable to such motor vehicle. N.J.A.C. 13:20-29.2(b) sets forth the procedure for motor vehicles that are found to be defective, including removal of the existing certificate of approval or certificate of waiver and the affixation of an inspection rejection sticker. Defective motor vehicles are to be repaired and presented for reinspection within 30 days of the date of the on-road inspection rejection.

Subchapter 30, Inspection of School Buses, provides for the periodic inspection and maintenance of school buses registered in New Jersey. N.J.A.C. 13:20-30.7(a)1 is proposed to include a definition of "tour of duty."

Subchapter 31, School Bus Enhanced Safety Inspection Out-of-Service Criteria, provides equipment standards that must be maintained in order to not be placed into out-of-service status. Details of conduct while out-of-service are also provided.

Subchapter 32, Inspection Standards and Test Procedures to be Used by Official Inspection Facilities, establishes the inspection standards and test procedures to be used by official inspection facilities when inspecting and certifying commercial automobiles, trucks, buses that have been issued passenger, governmental, no fee or commercial license plates, taxis, limousines, and jitneys for compliance with inspection standards. Definitions have been added to N.J.A.C. 13:20-32.1 for electric vehicle, commercial motor vehicle inspection, and driving school vehicle, to define terms used in the subchapter, such as when specifying vehicle inspection frequency. These definitions are also added in other subchapters throughout the chapter. N.J.A.C. 13:20-32.3 is proposed for amendment to clarify that the inspection facility employees will advise motorists that motorists are required to possess valid credentials when presenting a vehicle for inspection, but motorists will not be turned away for not presenting credentials. This is changed from existing rules requiring motorists to present credentials. The law requiring motorists to possess valid credentials while operating motor vehicles is not changed. Statutory changes require official inspection facilities inspect non-commercial vehicles for emissions only. However, proposed amendments state that credentials are required for commercial vehicle inspections.

N.J.A.C. 13:20-32.6 through 32.49 are proposed for amendment to reflect recent statutory changes in the motor vehicle inspection procedures. Pursuant to P.L. 2010, c. 29, the Commission is responsible for conducting emission inspections, but not mechanical inspections, on non-commercial vehicles. The provisions of this subchapter addressing mechanical inspection standards are proposed for amendment to clarify that those inspection standards apply only to commercial motor vehicles. N.J.A.C. 13:20-32.4 is proposed for amendment to delete reference to registration plate decals no longer used, and to add conditions of license plates required for inspection of commercial vehicles.

N.J.A.C. 13:20-32.50 through 32.71, which pertain to motorcycle inspections are proposed for repeal, as they are no longer conducted.

Subchapter 33, Inspection Standards and Test Procedures to be used by Licensed Private Inspection Facilities, establishes the inspection standards and test procedures to be used by licensed private inspection facilities, including Class I through Class V facilities, with definitions added for each class. Definitions for other terms used in this subchapter are also proposed, as follows: "Class I," "Class II," "Class III," "Class IV," "Class V," "commercial motor vehicle inspection," "driving school vehicle," "electric vehicle," and "smoke opacity inspection,"; an expanded definition of "inspection decal" to describe locations at which such decals are issued; and an expanded definition of "on-board diagnostics" to incorporate the more broad New Jersey Department of Environmental Protection definition at N.J.A.C. 7:27-15.1. N.J.A.C. 13:20-33.2 is amended to include Class III, Class IV, and Class V; to delete Class I-A and II-A licenses; and to include inspections for passenger vehicles, commercial vehicles, and smoke opacity. Subsection (c) is amended to remove a reference to motorcycle inspections, which are no longer conducted. N.J.A.C. 13:20-33.2(e) is amended to reflect private inspection facility charges. N.J.A.C. 13:20-33.2(n) and (o) are

proposed for deletion as they address motorcycle inspections, which are no longer conducted. N.J.A.C. 13:20-33.3 is amended to clarify that passenger vehicles will not be refused from inspection if the registration and insurance identification card presented contain typographical errors, but also that the credentials presented must be valid. Proposed amendments state that drivers of commercial motor vehicles must present valid credentials. N.J.A.C. 13:20-33.4 is proposed for amendment to describe criteria required to be met in order not to be refused from inspection for commercial vehicles. Proposed amendments to N.J.A.C. 13:20-33.4 also delete reference to registration plate decals, which are no longer used pursuant to this subchapter, and conditions of license plates required for commercial vehicle inspections. The headings for N.J.A.C. 13:20-33.4 through 33.50 are proposed for amendment to clarify the sections apply to commercial vehicle inspections, delete references to Class I-A and II-A licensees, which no longer exist, and replace those references with Class IV and V licensees for accuracy. N.J.A.C. 13:20-33.6(c) is amended to clarify that commercial vehicle inspections will be refused if a front parking light lens is damaged or missing, and to delete the exception for cracked, broken, or missing lenses where front parking lights are combined with turn signal lights that previously was only applicable to passenger vehicles. N.J.A.C. 13:20-33.19 is proposed for amendment to remove provisions concerning tire tread, but leaves provisions for tires on commercial motor vehicles. N.J.A.C. 13:20-33.20 through 33.49 is proposed for amendment to specify its provisions apply to commercial motor vehicles. N.J.A.C. 13:20-33.50 is proposed for repeal and is replaced with a new rule concerning smoke opacity testing at Class IV or V licensees, providing that diesel powered vehicles with a gross vehicle weight of 18,000 pounds or more must be inspected on an annual basis, in accordance with Department of Environmental Protection requirements. N.J.A.C. 13:20-33.51 through 33.71 are proposed for repeal as they set forth standards for motorcycle inspections that are no longer conducted.

Subchapter 34, Identifying Marks, provides standards for the issuance of special courtesy and personalized registration plates. This subchapter also sets forth those series of registration plates that are reserved for issuance to specified individuals or entities.

Subchapter 35, Inspection of State-Owned Vehicles by the Central Motor Pool, provides for the inspection of State-owned vehicles by Department of the Treasury personnel.

Subchapter 36, Special National Guard Plates, implements those provisions of Title 39 of the Revised Statutes (N.J.S.A. 39:3-27.13 et seq.) pertaining to the issuance of special National Guard plates to active members and former active members of the New Jersey National Guard.

Subchapter 37, Standards for Motor Vehicles with Elevated Chassis Height, prohibits the operation on any New Jersey highway of a New Jersey registered motor vehicle with an elevated chassis height unless that vehicle has been issued an approval certificate by the Chief Administrator.

Subchapter 38, Dimensional Standards for Automobile Transporters, establishes the maximum length dimension for any vehicle or combination of vehicles built and used solely to transport automobiles.

Subchapter 39, Special Registration Plates for Non-Profit Organizations, implements N.J.S.A. 39:3-27.35 et seq. The rules permit the Chief Administrator to issue special motor vehicle registration plates to members of non-profit community, alumni, or service organizations in this State that have been approved by the Chief Administrator.

Subchapter 40 is reserved.

Subchapter 41, Silver Star Insignias on License Plates, effectuates the purposes of P.L. 1999, c. 127, which pertains to the affixation of Silver Star insignias on Silver Star license plates issued by the Commission pursuant to N.J.S.A. 39:3-27.45. Subchapter 42, Purple Heart Emblems on License Plates, effectuates the purposes of N.J.S.A. 39:3-27.43 et seq., which pertain to the affixation of Purple Heart emblems on license plates by persons who are active members of the Military Order of the Purple Heart.

Subchapter 43, Enhanced Motor Vehicle Inspection and Maintenance Program, implements the Federal Clean Air Act as amended (42 U.S.C. §§ 7401 et seq.) and the New Jersey "Federal Clean Air Mandate Compliance Act" 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. New definitions are proposed at N.J.A.C. 13:20-43.1, similar to those discussed above in reference to Subchapter 33, as the new definitions apply to this subchapter. N.J.A.C. 13:20-43.2 is proposed for amendment to add vehicles that are exempt from inspection under this section: diesel fueled motor vehicles between GVWR 10,000 pounds and 18,000 pounds that are required to be inspected by the owner or lessee; diesel-fueled motor vehicles over 8,500 pounds but less than 10,000 pounds and registered as passenger vehicles; light duty diesel vehicles model year 1996 or older, 8,500 or less GVWR, and registered as a passenger vehicle, and other vehicles not fueled by hydrocarbon based fuels. New N.J.A.C. 13:20-43.2A contains provisions from existing N.J.A.C. 13:20-43.2, pertaining to the designation of collector motor vehicles, and adds a new subsection (g) pertaining to inspection requirements and rules if a collector motor vehicle registrant does not wish to retain the collector motor vehicle designation. N.J.A.C. 13:20-43.7 adds test frequency for driving school vehicles and certain heavy duty diesel vehicles. N.J.A.C. 13:20-43.8(a) contains amendments to require gasoline-fueled and bi-fueled vehicles, model year 2007 and newer with a GVWR of 8,501 to 14,000 pounds get an on-board diagnostics (OBD) inspection. This is in accordance with the Department of Environmental Protection's rules, and further changes will await any changes to New Jersey Department of Environmental Protection rules. The proposed amendments also require OBD inspection for OBD equipped and eligible diesel-fueled vehicles model year 1997 and newer having a GVWR of 8,500 or less, also in accord with Department of Environmental Protection's requirements. N.J.A.C. 13:20-43.8(c) is proposed for amendment to remove reference to specific vehicle model years and weight, as the idle test is conducted on all gasoline-fueled and bi-fueled vehicles with limited exceptions noted in the rules. N.J.A.C. 13:20-43.8(d) is amended to require a smoke opacity test on all diesel powered motor vehicles with a GVWR greater than 17,999 pounds, unless the vehicle's original design makes it impractical or hazardous to conduct a smoke opacity test on it, as determined by the Chief Administrator. Amendments to subsection (i) clarify that the motor vehicle safety inspections are conducted on all vehicles in accordance with N.J.S.A. 39:8-1, which provides that commercial and other specified vehicles undergo safety equipment while non-commercial vehicles undergo emissions inspections only.

Proposed amendments to N.J.A.C. 13:20-43.11 and 43.16 remove references to motorcycles. N.J.A.C. 13:20-43.14 is proposed for amendment to remove references to registration plate decals, which are no longer used by the Commission.

Subchapter 44, Private Inspection Facility Licensing, provides for the licensing of private inspection facilities as a complement to New Jersey's centralized inspection system. It establishes a license requirement for persons engaged in the business of a private inspection facility and sets forth the classes of vehicles that may be inspected at private inspection facilities. It also provides that a private inspection facility shall not certify the emissions of a vehicle unless an emission inspector licensed by the Commission has performed the emission inspection and has determined that the vehicle meets the emission standards adopted by the Commission and the Department of Environmental Protection. Proposed amendments to N.J.A.C. 13:20-44.2 include adding and amending definitions of terms used in this subchapter, including definitions of each class of private inspection facility, as discussed above in relation to other subchapters, and diesel bus, fleet endorsement, heavy-duty diesel truck, and regulated solid waste vehicle. N.J.A.C. 13:20-44.3(g) adds an upper limit of 17,999 pounds for vehicles that may be inspected by Private Inspection Facilities. N.J.A.C. 13:20-44.3 is proposed for amendment to set forth the criteria for private inspection facilities to perform off-site inspections. This section is further proposed for amendment to remove references to motorcycles and to correct the classes of private inspection facilities referred to, to accurately reflect those that inspect the different categories of vehicles, as well as to reflect the statutory enactment of P.L. 2010, c. 29 (N.J.S.A. 39:8-1) that eliminated the requirement for mechanical inspections of passenger vehicles, requiring emissions and emissions-related items inspections only. New subsection (g) is proposed to clarify the classes of private inspection facilities inspecting heavy-duty diesel powered vehicles, which results in a recodification of subsection (g) as

(h). Subsection (h) contains amendments due to the recodification. Recodified subsection (i) is proposed for amendments to specify that emissions testing equipment must meet Department of Environmental Protection approval; specify which classes of inspection facilities can inspect which vehicles; and to delete paragraphs (i)4 and 5, as they refer to outdated classes for facilities and motorcycle inspections that are no longer performed. New subsection (j) is proposed to allow private inspection facilities to conduct off-site vehicle inspections and lists the requirements for so doing. New subsection (l) is proposed to allow private inspection facilities to inspect heavy-duty diesel trucks and other diesel powered motor vehicles to verify the installation of a best available retrofit technology device, in accordance with Department of Environmental Protection procedures.

N.J.A.C. 13:20-44.4 is proposed for amendment to add requirements for licensing multiple locations of private inspection facilities, including proof of permits or other authorization to operate equipment or a business. The amendments provide that the Chief Administrator may issue conditional licenses to applicants who prove a submission schedule will be met, and that the conditional license would be surrendered if the schedule is not met. N.J.A.C. 13:20-44.6 is amended to delete the former fee specifically for private inspection facilities conducting motorcycle inspections, which are no longer inspected. The Chief Administrator may issue conditional licenses to applicants who prove a submission schedule will be met, and that the conditional license would be surrendered if the schedule is not met. N.J.A.C. 13:20-44.6 is amended to delete the former fee specifically for private inspection facilities conducting motorcycle inspections, which is no longer performed.

N.J.A.C. 13:20-44.7 is proposed for amendment to adjust the term of private inspection facility licenses, to two years from the date of entry into the program, instead of annual licenses from July 1 to June 30. Proposed amendments to N.J.A.C. 13:20-44.9 delete references to Class III private inspection facilities, as the section applies to all licensed private inspection facilities. New N.J.A.C. 13:20-44.10(n) is proposed to address certificates of inspection approval for heavy-duty diesel trucks and diesel buses that meet Department of Environmental Protection requirements; how, when, and where the certificate of approval is to be placed on the windshield; and that the certificates of approval are valid for one year.

N.J.A.C. 13:20-44.13 is proposed for amendment to remove references to motorcycle inspections, which are no longer conducted. N.J.A.C. 13:20-44.14 is proposed for amendment to remove reference to specific classes of private inspection facilities in subsections (a) and (b), since the section applies to all licensed private inspection facilities. N.J.A.C. 13:20-44.14(c), (e), and (h) are proposed for deletion as they apply to motorcycle inspections, which are no longer conducted.

Subchapter 45, Motor Vehicle Emission Repair Facility Registration, provides for the registration of motor vehicle emission repair facilities.

Subchapter 46, Diesel Emission Inspection and Maintenance Program, implements a diesel emission inspection program with regard to heavy-duty diesel trucks and diesel buses.

Subchapter 47, Diesel Emission Inspection Center Licensing, provides for the licensing of diesel emission inspection centers. The subchapter is proposed for repeal to align with the existing practice that diesel vehicles are inspected at licensed private inspection facilities.

Subchapter 48, Inspection Standards and Test Procedures to Be Used by Licensed Diesel Emission Inspection Centers, is proposed for repeal, as it establishes inspection standards and test procedures at diesel emission inspection centers, which are no longer used. The standards and procedures applicable to such centers are proposed for incorporation into Subchapter 44, as discussed above.

Subchapter 49, Standards for School Buses Manufactured July 1985 through May 1993, sets forth equipment standards for school buses manufactured with a chassis manufacture date of July 1985 through May 1993. This subchapter adopts the 1985 National Minimum Standards by reference and specifies those additional supplements to the National Minimum Standards that school bus manufacturers must comply with for school buses that are manufactured for operation in New Jersey. Subchapter 49A, Standards for Buses Used for Pupil Transportation Manufactured June 1993 through December 2005, sets forth equipment standards for school buses manufactured with a chassis manufacture date

of June 1993 through December 2005 for school buses manufactured for operation in New Jersey.

Subchapter 49B, Chassis Standards for Buses Used for Pupil Transportation Manufactured June 1993 through December 2005, sets forth the chassis standards for school buses manufactured for operation in New Jersey.

Subchapter 49C, Body Standards for Buses Used for Pupil Transportation Manufactured June 1993 through December 2005, sets forth the body standards for school buses manufactured for operation in New Jersey.

Subchapter 49D, Specially Equipped School Bus Standards for Buses Used for Pupil Transportation Manufactured June 1993 through December 2005, sets forth the standards used for the modification of school buses for transporting students with special transportation needs.

Subchapter 49E, Autobuses Approved for Pupil Transportation by the New Jersey Department of Transportation Prior to May 21, 1993, sets forth exceptions and exemptions for certain autobuses from the equipment requirements contained in N.J.A.C. 13:20-49.

Subchapter 50, Standards for School Buses Manufactured January 2006 and Thereafter, sets forth provisions pertaining to these buses.

Subchapter 50A, Chassis Standards for School Buses Manufactured January 2006 and Thereafter, sets forth specific chassis standards with regard to the following items: air cleaner; axles; brakes; front bumper; clutch; color; drive shaft; electrical system; exhaust system; front fenders; frame; fuel tank; governor; heating system; horn; instruments and instrument panel; oil filter; openings; passenger load; power and gradeability; retarder system; shock absorbers; springs and shackles; steering gear; tires and rims; transmission; turning radius; undercoating; and weight distribution.

Subchapter 50B, Body Standards for School Buses Manufactured January 2006 and Thereafter, sets forth specific body standards for that class of buses.

Subchapter 51, Standards for Type S School Buses, sets forth specific standards for any Type S school vehicle including, but not limited to, vans and passenger automobiles used for the transportation of children to or from school or school-connected activities.

Subchapter 52, Insurance, sets forth the limits of liability insurance coverage for pupil transportation operations.

Subchapter 53, Standards for Alternatively Fueled School Buses, sets forth specific standards with regard to the following items: installation requirements; fuel supply container requirements; markings; venting; manifold shut-off valve; pipes, tubing, hoses, and fittings; supply lines; shut-off valve; carburetor flows; dual fuel systems; relief device; electrical equipment; road clearance; gasoline tank; certified fuel tanks; fuel system; and fuel containers.

Subchapter 53A, Standards for School Buses Having Fuel Systems Using Liquefied Petroleum Gas, sets forth specific standards with regard to the following items: fuel supply container; back-flow check valve; fuel supply container markings; valves; safety relief valves; safety relief valve markings; excess flow valve; check valves; vapor equalizing valve; shut-off valve; liquid volume gauge; pressure reducing regulator and vaporizer regulator; vents; and LPG hose for high pressure liquid or vapor use.

Subchapter 53B, Standards for School Buses Having Fuel Systems Using Compressed Natural Gas, sets forth specific standards with regard to the following items: fuel supply container; markings; and shut-off valve.

Subchapter 53C, Standards For School Buses Having Fuel Systems Using Liquefied Natural Gas, sets forth specific standards with regard to the following items: fuel supply container; markings; valve certification; safety relief valves; shut-off valves; control valve; gauges; pressure reducing regulators; and vents.

Social Impact

The readoption of N.J.A.C. 13:20 will have a beneficial social impact in that the rules contained in the chapter promote highway safety and assist the State in attaining national ambient air quality standards by reducing the emission of air contaminants from motor vehicles. Motor vehicle manufacturers, dealers, owners, and drivers of motor vehicles must comply with the various provisions of the chapter that are designed to ensure that all motor vehicles are properly equipped and inspected, so

that they may be operated on the public highways in a safe manner. Various provisions of the chapter establish standards for safety equipment used in motor vehicles. The standards adopted by the Commission are those that have been established in Federal Motor Vehicle Safety Standards adopted by the United States Department of Transportation or those that have been adopted by the automotive engineering community. The rules also promote highway safety by providing objective standards for driver reexamination of persons whose physical or mental disorders may adversely impact their ability to safely operate motor vehicles and persons whose driving records reflect a pattern of motor vehicle infractions. The rules also promote highway safety by providing that drivers whose accident and violation records reflect the need for driver remediation be required to attend and complete the Motor Vehicle Commission's Driver Improvement Program.

The readoption of N.J.A.C. 13:20-1 and 2 will have a beneficial social impact upon the public. The establishment of standards and specifications in Subchapter 1, for the types of sun-screening materials and products that may be installed or applied to the windshield and/or the front side window(s) of a motor vehicle that is driven or used to regularly transport a person who has a medical condition involving ophthalmic or dermatological photosensitivity, effectuate the purposes of N.J.S.A. 39:3-75.1 et seq., by protecting such persons from visible light rays that may aggravate existing medical conditions. The regulation of sun-screening material installation facilities as set forth at Subchapter 2 protects the public from dishonest, fraudulent, or deceptive practices in the installation or application of approved sun-screening materials and products by imposing registration standards upon those seeking to engage in such business.

The readoption of N.J.A.C. 13:20-43, 44, and 45 promotes the social welfare by insuring that the State continues to meet the requirements of the Federal Clean Air Act Amendments of 1990 through the submission of a comprehensive State Implementation Plan that includes, in part, the State's plan for implementing and administering an enhanced motor vehicle inspection and maintenance program that meets the standards established by Federal law and regulation. Failure of the State to implement and administer an enhanced motor vehicle inspection and maintenance program may subject the State to any of a number of penalties, including the withholding of Federal highway funds and the imposition on the State of a Federal Implementation Plan by the Federal Environmental Protection Agency. N.J.A.C. 13:20-43, 44, and 45 implement the public policy of this State as set forth in the Federal Clean Air Mandate Compliance Act (P.L. 1995, c. 112) by establishing an enhanced motor vehicle inspection and maintenance program that serves to reduce air contaminants from motor vehicle emissions and assist the State in attaining and maintaining Federal ambient air quality standards. N.J.A.C. 13:20-44 implements the public policy of this State as set forth in P.L. 1995, c. 112 by providing for the licensing of private inspection facilities as a complement to New Jersey's centralized inspection system. N.J.A.C. 13:20-45 also implements the public policy of this State as set forth in P.L. 1995, c. 112 by providing for the registration of motor vehicle emission repair facilities as a complement to New Jersey's inspection system. The registration of motor vehicle emission repair facilities promotes effective emission-related repairs of motor vehicles that have failed an emission test at centralized inspection facilities or licensed private inspection facilities.

The proposed readoption of subchapters 27 and 46 have a beneficial social impact upon the general public in that those subchapters implement roadside and periodic diesel emission inspection programs in this State as mandated by P.L. 1995, c. 157 with regard to heavy-duty diesel trucks and diesel buses. The roadside and periodic inspection programs result in the reduction of particulate emissions from heavy-duty diesel trucks and diesel buses, thereby contributing to cleaner air and a cleaner environment for the citizens of this State.

The proposed readoption of subchapters 49 through 53C pertaining to school buses and vehicles engaged in pupil transportation operations promote the public welfare by ensuring that students are transported to and from school and school-connected activities in school buses and vehicles that are properly equipped to provide that transportation service.

The proposed amendments, repeals, and new rules remove outdated rules and references, such as those pursuant to P.L. 2010, c. 29,

concerning frequency of and vehicles subject to inspection, add provisions for clarification, such as which vehicles are subject to what type of inspections, and provide guidance for diesel emission inspections.

Economic Impact

There is an economic impact on the State in funding the Motor Vehicle Commission, which is charged with the administration of the rules contained in N.J.A.C. 13:20. The economic impact on the State is partially defrayed by the statutory driver improvement program, license and registration restoration, and registration and licensing fees that are collected by the Commission. There is also an economic impact on the Department of the Treasury, which is responsible for the inspection of State-owned motor vehicles to the extent that employees on its payroll perform these inspections. The economic impact on the Department of the Treasury is partially offset in that State-owned vehicles are not required to be presented to a centralized inspection facility for State inspection. This represents a savings to the Department of the Treasury in time expended driving State-owned motor vehicles to official inspection facilities for inspection.

There is an economic impact on those entities subject to the business license and registration provisions of the various subchapters since such businesses must remit the license and registration fees to the Motor Vehicle Commission when due. Owners and lessees of motor vehicles bear the expense of maintaining their vehicles in a state of repair that is consistent with the statutes and rules of this State pertaining to vehicle inspection.

Subchapter 8 provides a direct economic benefit to motor carriers and drivers who are issued a complaint and summons for non-out-of-service equipment violations. Such motor carriers and drivers are subject to a penalty of not less than \$100.00 for a first offense, not less than \$200.00 for a second offense, and not less than \$500.00 for a third or subsequent offense. Subchapter 8 provides violators the opportunity to reduce a first offense penalty to \$25.00, a second offense penalty to \$50.00, and a third or subsequent offense penalty to \$100.00. Motor carriers and drivers therefore derive a direct economic benefit as a result of the rules set forth in N.J.A.C. 13:20-8 and there is an indirect economic benefit to the State as a result of safer vehicles being operated on the public highways.

Businesses that seek to be licensed as private inspection facilities incur an initial application fee of \$20.00 and an annual license fee of \$250.00. Proposed amendments would eliminate the separate fee for a private inspection facility performing motorcycle inspections, which the Commission no longer performs. This results in a lower cost to the private inspection facilities. In order to perform proper emission inspections, these facilities must acquire emission testing equipment to ensure that a motor vehicle meets the emission standards adopted by the Motor Vehicle Commission and the Department of Environmental Protection for the enhanced inspection and maintenance program. Businesses that seek to be registered as motor vehicle emission repair facilities incur a biennial registration fee of \$50.00. Private inspection facilities and registered emission repair facilities are positively affected by the increase in repair activity that results from the implementation of an enhanced motor vehicle inspection and maintenance program (I/M program).

Emission inspectors, whether employed at an official inspection facility or at a private inspection facility, are subject to licensing requirements. Specifically, the Federal rule requires that emission inspectors undergo comprehensive training and both written and performance testing prior to the issuance of an emission inspector license. The Commission may suspend or revoke an emission inspector license for non-compliance with test standards and procedures imposed by the Commission. Emission inspector license applicants must pay a biennial license fee of \$50.00.

The Commission's administrative oversight of the private company that operates the test-only component of the enhanced I/M program, of licensed private inspection facilities that operate the test and repair component of the enhanced I/M program, of licensed emission inspectors, and of registered emission repair facilities also imposes an economic impact on the State. Other businesses that are subject to the Commission's administrative oversight include new motor vehicle dealers, new motor vehicle leasing companies, and emission inspector

training program providers. Administrative oversight includes the licensing of private inspection facilities and emission inspectors, registration of emission repair facilities, and approval of emission inspector training providers. Administrative oversight also entails investigation of statutory and regulatory violations and the initiation and prosecution of administrative sanctions against licensees and registrants who violate the enhanced I/M program requirements.

There is an economic impact upon those persons and businesses who own or lease heavy-duty diesel trucks or diesel buses that are subject to the roadside and periodic diesel emission inspection programs established by P.L. 1995, c. 157. Such persons and businesses incur expenses in connection with repairing those vehicles that fail the roadside or periodic inspection in order to place such vehicles in compliance with the diesel emission standards established by the Department of Environmental Protection. Such persons and businesses have for many years been under a continuing self-inspection requirement to maintain and inspect their vehicles and have presumably incurred repair expenses in connection therewith.

Businesses that seek to be licensed as private inspection facilities that inspect diesel vehicles incur an annual license fee of \$250.00, as well as the costs of purchasing Department of Environmental Protection-certified emission testing equipment. Diesel emission testing equipment is necessary in order to perform proper diesel emission inspections to insure that a vehicle meets the emission standards adopted by the Department of Environmental Protection for the diesel emission inspection and maintenance program. The State incurs expenses in connection with the operation of the roadside inspection component of the diesel emission inspection and maintenance program. The cost to the Commission to operate roadside diesel emission inspection teams is estimated to be approximately \$2 million annually. The Commission also incurs expenses in connection with the administration of the periodic diesel emission inspection program that includes salary of Commission personnel assigned to monitor the periodic inspection program. Administrative oversight of the diesel emission inspection and maintenance program includes the investigation of statutory and regulatory violations and the initiation and prosecution of administrative sanctions against licensees who violate the diesel emission inspection and maintenance program requirements, resulting in costs to the violators.

There is an economic impact on school districts that provide transportation services for students; school bus chassis and body manufacturers; and school bus operators. All must meet the regulatory standards and maintenance and inspection requirements. There is an economic impact on school bus operators, who are required to periodically inspect and maintain school buses that are owned or leased by such operators. There is also an economic impact on school bus operators in that they are subject to the school bus enhanced safety inspection out-of-service criteria and civil fines set forth in Subchapters 30 and 31. School bus operators have been required to periodically inspect and maintain their buses since 1972 when Subchapter 30 was originally adopted by the former Division of Motor Vehicles. School bus operators who operate school buses that do not comply with the applicable school bus standards incur costs in connection with repairing the school buses in order to bring them into compliance with those standards. The Commission cannot ascertain the cost of repair since such costs depend upon the nature of the repairs necessary to bring school buses into compliance with applicable school bus inspection standards. The inclusion of new N.J.A.C. 13:20-30.7(a)1 may have an impact on the owners/operators of bus companies if more time is needed to complete bus inspections based on the new definition of "tour of duty."

There is an economic impact on school bus drivers who incur annual fees of \$10.00 in order to obtain driver history abstracts of their driving records, so that such abstracts may be supplied to their operators/employers to be included as part of the driver qualification records required to be maintained in accordance with N.J.A.C. 13:20-30.14(f)4. The \$10.00 fee for driver history abstracts is mandated by N.J.S.A. 39:6-42.

There is an economic impact on the State of New Jersey in funding the Commission, which is responsible for the administration of the rules pertaining to school bus equipment and inspection. The economic impact

on the State is partially defrayed by the Commission's collection of statutorily-mandated school bus inspection fees.

Proposed new rules, amendments, and repeals also have an economic impact upon the public and the Commission. The amendments change the frequency of inspections for personal passenger vehicles from once a year to once every four years, and five years for newer vehicles. This results in lower costs paid by those bringing vehicles to private inspection facilities for inspection. The amendments also reflect that motorcycles are no longer inspected, resulting in cyclists no longer paying for inspections and the Commission no longer expending resources on such inspections.

Federal Standards Analysis

Executive Order No. 27 (1994) and P.L. 1995, c. 65, require that a State agency that adopts, readopts, or amends regulations 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. In accordance with that statute, the Secretary of Transportation has established safety standards for motor vehicles and motor vehicle equipment at 49 CFR 571.101 et seq. The rules proposed for readoption with amendments, new rules, repeals, and recodifications are, for the most part, consistent with Federal safety standards.

Subchapter 24, Motorcycles, is, however, in part, inconsistent with Federal standards or requirements. N.J.A.C. 13:20-24.11, which provides that protective helmets used by operators and passengers of motorcycles must have a reflectorized surface on both sides of the helmet or have securely affixed thereto reflectorized material on both the left and right side of the helmet, sets forth a requirement that exceeds the standards for motorcycle helmets set forth in 49 CFR 571.218. The Federal motorcycle helmet standards do not contain the reflectorization requirement set forth in N.J.A.C. 13:20-24.11. However, N.J.A.C. 13:20-24.11 comports with N.J.S.A. 39:3-76.7, a New Jersey statute pertaining to motorcycle helmets that sets forth the reflectorization requirement and predates the adoption of the aforementioned Federal motorcycle helmet standards. Although the New Jersey Legislature has amended N.J.S.A. 39:3-76.7 three times since the adoption of 49 CFR 571.218, it has chosen not to delete the reflectorization provision contained in the statute. Accordingly, the Commission has retained the reflectorization requirement for protective helmets set forth in N.J.A.C. 13:20-24.11 because, although the cost to motorcycle operators to reflectorize a protective helmet is relatively modest (it may be accomplished by means of reflective tape), the use of reflectorization may prevent accidents by assisting other motorists in the identification of motorcycle operators during nighttime hours. The Commission perceives no rational basis upon which to impose less stringent protective helmet standards on operators or passengers of motorcycles.

Subchapters 43 through 45, Enhanced Motor Vehicle Inspection And Maintenance Program, Private Inspection Facility Licensing, and Motor Vehicle Emission Repair Facility Registration, as measured against the effort by New Jersey to achieve compliance with the performance standards established pursuant to the Federal Clean Air Act Amendments of 1990, the rules promulgated pursuant thereto by the United States Environmental Protection Agency (EPA), and the most recent mobile source emission factor model developed by the EPA, do not exceed the overall Federal standards or requirements.

The Federal EPA performance standard established reductions of specific mobile source pollutants that a geographic area must achieve by its enhanced motor vehicle I/M program. Since each State's base pollution problem is somewhat unique as a starting point for achieving the goal of attainment of pollutant reductions, areas are encouraged to select program elements geared toward resolving those particular pollution problems. Those program elements are weighted, so that an effort to meet the performance standard requires areas, such as New Jersey, to select program elements of greater or lesser stringency so that the State's program, taken as a whole, will establish a program that meets the overall Federal performance standard. The program elements reflected in Subchapters 43 through 45 meet, but do not exceed, the Federal performance standard.

Subchapters 49 through 49E, 50, and 50C through 53C, Standards For School Buses Manufactured July 1985 Through May 1993; Standards For Buses Used For Pupil Transportation Manufactured June 1993 Through December 2005; Chassis Standards For Buses Used For Pupil Transportation Manufactured June 1993 Through December 2005; Body Standards For Buses Used For Pupil Transportation Manufactured June 1993 Through December 2005; Specially Equipped School Bus Standards For Buses Used For Pupil Transportation Manufactured June 1993 Through December 2005; Autobuses Approved For Pupil Transportation By The New Jersey Department Of Transportation Prior To May 21, 1993; Standards For School Buses Manufactured January 2006 And Thereafter; Standards For Specially Equipped For School Buses Manufactured January 2006 And Thereafter; Standards For Type S School Buses; Insurance; Standards For Alternatively Fueled School Buses; Standards For School Buses Having Fuel Systems Using Liquefied Petroleum Gas; Standards For School Buses Having Fuel Systems Using Compressed Natural Gas; and Standards For School Buses Having Fuel Systems Using Liquefied Natural Gas, do not impose standards or requirements that are more stringent than Federal Motor Vehicle Safety Standards set forth at 49 CFR 571.101 et seq. that are applicable to school buses.

Subchapters 49F through 49H are reserved.

Subchapter 52, Insurance, is not promulgated under the authority of or in order to implement, comply with or participate in any program established under Federal law, or under a State statute that incorporates or refers to Federal law, Federal standards, or Federal requirements. Accordingly, a Federal standards analysis is not required for this subchapter.

Federal law (49 U.S.C. § 30125) provides that the United States Secretary of Transportation shall prescribe motor vehicle safety standards for school buses and school bus equipment, including minimum performance standards for emergency exits, interior protection for occupants, floor strength, seating systems, crashworthiness of body and frame (including protection against rollover hazards), vehicle operating systems, windows and windshields, and fuel systems. In accordance with that statute, the Secretary of Transportation has established safety standards for school buses and school bus equipment at 49 CFR 571.101 et seq. Except with regard to N.J.A.C. 13:20-50A.3(c) pertaining to a back-up pump system on specified Type B school buses and on all Type C and D school buses using a hydraulic-assist brake system, the standards and requirements set forth in the Motor Vehicle Commission's rules are consistent with the standards and requirements contained in the Federal Motor Vehicle Safety Standards.

The following is an analysis of the rules that exceeds corresponding Federal rules:

Specification: Brakes

New Jersey Rule: N.J.A.C. 13:20-50A.3

The Motor Vehicle Commission's rule pertaining to brakes is, for the most part, consistent with the Federal regulation concerning hydraulic and electric brake systems (Federal Motor Vehicle Safety Standard No. 105). The Commission's rule exceeds the Federal regulation in that N.J.A.C. 13:20-50A.3(c) provides in pertinent part that "... Type B, C, and D school buses using a hydraulic-assist brake system shall be equipped with a back-up pump system ..." Type A school buses and B school buses constructed on a cutaway chassis using a hydraulic-assist brake system may be equipped in accordance with FMVSS No. 105 (49 CFR 571.105), incorporated herein by reference.

Federal Regulation: 49 CFR 571.105

The Federal regulation specifies requirements for hydraulic and electric service brake systems, and associated parking brake systems. Although the Federal regulation requires that "[e]ach vehicle shall be equipped with a service brake system acting on all wheels" and that "[e]ach school bus with a GVWR greater than 10,000 pounds shall be capable of meeting the requirements" relating to stopping distances, the Federal regulation does not require that school buses using a hydraulic-assist brake system be equipped with a back-up pump system.

Cost Analysis: The Motor Vehicle Commission estimates the cost of compliance with the back-up pump system requirement imposed on

specified Type B school buses and on all Type C and D school buses by N.J.A.C. 13:20-50A.3(c) to be approximately \$225.00 per school bus. Such cost is outweighed by the added safety benefits afforded by having a back-up pump system as an alternate source of braking in the event that the hydraulic-assist brake system malfunctions. The alternate source of braking reduces the possibility of personal injury and property damage should such a school bus encounter the loss of its primary hydraulic-assist brake system.

Justification: The requirement that school buses using a hydraulic-assist brake system be equipped with a back-up pump system is a matter of longstanding public policy of the State of New Jersey. A back-up pump requirement was adopted by the New Jersey Department of Education in 1992 and has been in force since that adoption. A back-up pump requirement has also been adopted in the National School Transportation Specifications and Procedures. As such, the New Jersey Motor Vehicle Commission enforces a more stringent regulation with regard to the back-up pump system in that such a system provides an alternative source of braking in the event that the hydraulic-assist brake system malfunctions.

Jobs Impact

The Motor Vehicle Commission does not anticipate that any jobs will be generated or lost as a result of the rules proposed for readoption with amendments, repeals, new rules, or recodifications.

Agriculture Industry Impact

The proposed readoption with amendments, repeals, new rules, and recodifications will have no impact on the agriculture industry. Farm tractors and traction equipment, farm machinery, and farm implements are specifically exempted from vehicle inspection. See N.J.A.C. 13:20-7.2(b)4 and 5. See also N.J.A.C. 13:20-43.2(b)5 and 6.

Regulatory Flexibility Analysis

The rules proposed for readoption with amendments, repeals, new rules, and recodifications have been reviewed with regard to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules proposed for readoption with amendments, repeals, new rules, and recodifications impose reporting, recordkeeping, and compliance requirements on motor vehicle dealers, motor vehicle leasing companies, sun-screening material product installers, manufacturers of motor vehicle equipment, manufacturers of school buses, licensed private inspection facilities, registered motor vehicle emission repair facilities, emission inspection training program providers, and owners and lessees of motor vehicles, most of which are small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The compliance requirements include the following: (1) various subchapters require owners or lessees of certain classes of motor vehicles to supplement inspections, which have been performed by official inspection facilities, licensed private inspection facilities, or Commission personnel, by periodically self-inspecting and maintaining their vehicles in accordance with equipment standards established by law and regulation; (2) Subchapters 27 and 28 require motor vehicle leasing companies and new motor vehicle dealers to inspect new heavy-duty diesel trucks and new motor vehicles prior to delivery of such new heavy-duty diesel trucks and motor vehicles to ultimate purchasers or lessees; (3) Subchapters 2, 44, and 45 impose licensing and registration requirements on private inspection facilities and motor vehicle emission repair facilities; and (4) Subchapters 49 through 50C impose chassis and body standards for school buses manufactured for use in New Jersey. The recordkeeping requirements pertain to the preparation and retention of inspection records by new motor vehicle dealers, motor vehicle leasing companies, licensed private inspection facilities, and owners, employees, and drivers of motor vehicles that are subject to supplemental self-inspection and maintenance requirements. The records required to be prepared and retained by new motor vehicle dealers, motor vehicle leasing companies, licensed private inspection facilities, and owners, employees, and drivers of motor vehicles that are subject to supplemental self-inspection form the basis for the Commission's administration and enforcement of the motor vehicle inspection laws. See N.J.S.A. 39:8-1 et seq. The rules proposed for readoption with amendments, repeals, new rules, and recodifications do not require small businesses to engage additional professional services.

The compliance, recordkeeping, and reporting requirements have been accepted over time as standard industry practices and are therefore not viewed as overly burdensome. The rules proposed for readoption with amendments, repeals, new rules, and recodifications do not necessitate significant capital and annual expenditures for compliance by small businesses. These requirements are intended to set standards for motor vehicle equipment and motor vehicle inspection and maintenance in order to advance overall highway safety. It is for these reasons that no differentiation in compliance based on business size is provided.

The Commission believes that most, if not all, of the sun-screening material product installation business entities that are the subject of regulation by the rules set forth in N.J.A.C. 13:20-2 are small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The registration, recordkeeping, advertising, and other compliance requirements imposed upon sun-screening material and product installation facilities pursuant to N.J.A.C. 13:20-2 have uniform application to those entities. It is not feasible to exempt small businesses from the requirements merely because of their size in light of the statutory registration requirement set forth in N.J.S.A. 39:3-75.2d. The regulation of such facilities protects the public from dishonest, fraudulent, or deceptive practices in the installation or application of approved sun-screening materials and products to motor vehicle windshields and/or front side windows by imposing registration standards upon those seeking to engage in such business; by providing for registration denial, suspension, or revocation by the Chief Administrator for statutory or regulatory violations set forth in the rules; and by imposing certain recordkeeping and notice requirements upon such registrants. An exemption from these requirements for small businesses is not warranted since it would dilute the consumer protection aspect of these rules. It is not anticipated that sun-screening material installation facilities require professional services to assist in the completion of the registration application form. The recordkeeping provisions set forth in N.J.A.C. 13:20-2.11(d) impose a requirement that registered sun-screening material installation facilities maintain copies of all estimates, work orders, invoices, parts purchase orders, appraisals and/or other records. The records required to be prepared and retained by sun-screening material installation facilities comport with automobile repair industry practice and are not viewed as overly burdensome.

Many owners/operators of vehicles subject to non-out-of-service equipment violations meet the statutory definition of a small business as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules set forth in N.J.A.C. 13:20-8 impose compliance requirements on those owners/operators seeking to take advantage of repair certification as a means to effect a penalty reduction for a non-out-of-service equipment violation. It is not anticipated that owners/operators require professional services to assist in complying with these requirements. The purpose of N.J.A.C. 13:20-8 is to provide motor carriers with an economic benefit (penalty reduction) if they promptly address vehicle equipment repairs, which, in turn, serves the purpose of ensuring that safer vehicles are being operated on New Jersey highways. Thus, an exemption for small businesses is not warranted because it would reduce the overall number of safer vehicles being operated in the State.

Subchapter 27 affects motor vehicle leasing companies, some of which may qualify as small businesses for purposes of the Regulatory Flexibility Act. Since participation by motor vehicle leasing companies in the heavy-duty diesel truck emission inspection program is permissive in nature, motor vehicle leasing companies that qualify as small businesses for purposes of the Regulatory Flexibility Act may decline to participate in such program. However, if a motor vehicle leasing company chooses to participate in the heavy-duty diesel truck emission inspection program, such company is subject to the compliance and recordkeeping requirements imposed by the N.J.A.C. 13:20-27. These compliance and recordkeeping requirements do not necessitate capital and annual expenditures for compliance by small businesses. The compliance and recordkeeping requirements do not require small businesses to engage additional professional services. These requirements are intended to reduce the emission of air contaminants by heavy-duty diesel trucks in this State. An exemption from the compliance and recordkeeping requirements for motor vehicle leasing companies that qualify as small businesses is not warranted since such an exemption would impair the

heavy-duty diesel truck inspection requirements set forth in N.J.A.C. 13:20-27.

Approximately 60 businesses are approved by the Commission as emission inspector training program providers pursuant to 40 CFR 51.367. Most, if not all, of these businesses qualify as small businesses as defined in the Regulatory Flexibility Act. The rules impose reporting, recordkeeping, and compliance requirements on emission inspector training program providers. The compliance requirements imposed upon emission inspector training program providers by the rules are not viewed as overly burdensome in that training providers have been providing emission inspector training services in New Jersey's enhanced I/M program since 1995 when N.J.A.C. 13:20-43 was first adopted. The rules do not require small businesses to engage additional professional services for compliance therewith. The oversight responsibilities imposed on the Commission by Federal rule have uniform application to all entities that engage in the business of emission inspector training. It is not feasible to exempt small businesses from the compliance requirements of the rules in light of the Federal mandate. An exemption from the compliance requirements for small businesses approved as emission inspector training program providers is not warranted since such an exemption would impair the oversight responsibilities imposed on the State by Federal rule at 40 CFR 51.367(a)(2).

The rules impose reporting, recordkeeping, and compliance requirements on manufacturers of school buses, converters of completed school buses, vendors who sell or lease school buses, and school bus operators, many of which are small businesses as defined by the Regulatory Flexibility Act. Subchapter 30 requires school bus operators to supplement the semiannual inspections that are performed by the Commission's Bus Services Inspection Unit by periodically inspecting and maintaining their school buses in accordance with equipment standards established by law and regulation. The recordkeeping requirements pertain to the preparation and retention of inspection and maintenance records by school bus operators who are subject to the self-inspection and maintenance requirements imposed by subchapter 30. The records required form the basis for the Commission's administration and enforcement of the school bus inspection laws. The rules do not require small businesses to engage additional professional services. The compliance, recordkeeping and reporting requirements are not viewed as overly burdensome in that school bus operators have been subject to such requirements since 1972 when subchapter 30 was originally adopted; inspection standards and maintenance procedures have been accepted over time as standard industry practice. A small business that operates school buses that do not comply with the applicable school bus inspection standards will incur costs in connection with repairing the school bus in order to bring it into compliance with those standards. It should be noted, however, that such small businesses have for many years been under a continuing self-inspection requirement to inspect and maintain their school buses and have incurred repair expenses in connection therewith. The Commission cannot ascertain the cost small businesses incur in order to bring non-compliant school buses into compliance with the applicable inspection standards, nor does the Commission know whether professional services are needed to facilitate compliance. Such cost and the need for professional services are dictated by the extent to which a school bus must be repaired to bring it into compliance with the applicable inspection standards. These requirements are intended to set standards for school bus equipment and school bus inspection and maintenance in order to advance highway safety. It is for these reasons that no differentiation based on business size is provided.

Approximately 1,000 businesses are presently licensed as new motor vehicle dealers by the Motor Vehicle Commission. Reporting and recordkeeping requirements apply to those authorized motor vehicle dealers that perform emission-related repairs on motor vehicles that are subject to manufacturers' recalls. The reporting and recordkeeping requirements that are imposed by the enhanced motor vehicle I/M program rules are not viewed as overly burdensome.

Approximately 1,200 businesses are presently licensed as private inspection facilities. The proposed readoption imposes no additional reporting or recordkeeping requirements on such businesses. The rules set forth inspection standards and test procedures to be used by licensed private inspection facilities when inspecting and certifying motor vehicles

for compliance with inspection standards. The compliance requirements imposed upon private inspection facilities are not viewed as overly burdensome in that the private inspection industry has been providing motor vehicle reinspection services in this State since 1975 and initial inspection services since 1983. Inspection standards and test procedures have been accepted over time as standard industry practices. An exemption from the compliance requirements for small businesses licensed as private inspection facilities is not warranted since such an exemption would impair the statutory private inspection facility licensing requirements set forth at N.J.S.A. 39:8-45.

Approximately 2,000 businesses are presently registered as motor vehicle emission repair facilities. Reporting requirements apply to such facilities that perform OBD-related and emission-related inspection repairs on motor vehicles that have failed inspection. The reporting requirements imposed by the enhanced motor vehicle I/M program rules are not viewed as overly burdensome by the Commission. A technician hotline service is provided by the Commission to assist motor vehicle emission repair facilities in diagnosing and repairing OBD-related and emission-related inspection failures. The use of standardized forms insures that the inspection data that is required by Federal law and regulation can be assimilated into the Commission's inspection data base.

The compliance requirement for small businesses that own or lease motor vehicles is to present such motor vehicles for inspection and to have necessary repairs, including OBD-related and emission-related repairs, performed on those motor vehicles that fail to meet safety and/or OBD and emission standards. The rules proposed for readoption do not require small businesses to engage additional professional services nor do they necessitate capital or annual expenditures other than the cost of motor vehicle repairs that are required to pass a motor vehicle inspection. Motor vehicles owned or leased by small businesses are presently subject to inspection as are privately-owned motor vehicles and motor vehicles that are owned by large businesses. The compliance standards are therefore not viewed as overly burdensome on small businesses. The enhanced motor vehicle I/M program rules are required by Federal statutes and regulations and are intended to reduce motor vehicle-related emissions of air pollutants to meet Federal clean air standards. It is for this reason that no differentiation based on business size is provided.

Persons who seek registration as motor vehicle emission repair facilities incur capital equipment costs if they choose to acquire emission testing equipment to be used in determining whether all necessary OBD-related and emission-related repairs have been made on motor vehicles that have failed an OBD or emission test. Persons who seek licensure as private inspection facilities also incur capital equipment costs in that the Federal EPA-mandated OBD and emission testing equipment is required to be owned or leased by such facilities in order to perform inspections in accordance with the enhanced motor vehicle I/M program rules and emission standards adopted by the Department of Environmental Protection and the Federal EPA.

The rules proposed for readoption also impose compliance requirements on small businesses that own or lease heavy-duty diesel trucks or diesel buses that are subject to the roadside and periodic diesel emission inspection requirements imposed by P.L. 1995, c. 157. Such vehicles are subject to a diesel emission inspection and are required to meet the diesel emission standards established by the Department of Environmental Protection for diesel motor vehicles. A small business that owns or leases a diesel motor vehicle that does not comply with the applicable diesel emission standards incurs costs in connection with repairing the vehicle in order to bring it into compliance with those standards. It should be noted, however, that such small businesses have for many years been under a continuing self-inspection requirement to inspect and maintain their vehicles and have incurred repair expenses in connection therewith. The Motor Vehicle Commission does not know the cost small businesses incur in order to bring non-complying diesel-powered vehicles into compliance with the applicable diesel emission standards, nor does the Commission know whether professional services are needed to facilitate compliance. Such costs and the need for professional services are dictated by the extent to which a diesel-powered vehicle must be repaired to bring it into compliance with the applicable diesel emission standards. Given that the purpose of P.L. 1995, c. 157 is to promote cleaner air in this State by means of the establishment of a

diesel emission program, a differentiation in the requirements imposed by the rules predicated upon size of the business cannot be provided.

The rules impose reporting, recordkeeping, and compliance requirements on manufacturers of school buses, converters of completed school buses, vendors who sell or lease school buses, and school bus operators, many of which are small businesses as defined by the Regulatory Flexibility Act. All school buses used to transport students to and from school or school-connected activities must meet the school bus chassis and body standards established in the rules.

Housing Affordability Impact Analysis

The rules proposed for reoption with amendments, new rules, repeals, and recodifications will have no impact on housing affordability in this State and the rules would not evoke a change in the average costs associated with housing. The rules concern the enforcement service of the Motor Vehicle Commission.

Smart Growth Development Impact Analysis

The rules proposed for reoption with amendments, new rules, repeals, and recodifications will have no impact on the number of housing units or the availability of affordable housing in the State, and will have no effect on housing in Planning Areas 1 or 2, or within designated centers under the State Development and Redevelopment Plan. The rules proposed for reoption with amendments, new rules, repeals, and recodifications concern the enforcement service of the Motor Vehicle Commission.

Full text of the rules proposed for reoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:20.

Full text of rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 13:20-4.1, 5.1, 15, 22, 24.2 through 24.9, 24.12 through 24.20, 25, 32.50 through 32.71, 33.51 through 33.71, 47, and 48.

Full text of the proposed amendments, new rules, and recodifications follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. STANDARDS AND SPECIFICATIONS GOVERNING THE TYPES OF SUN-SCREENING MATERIALS AND PRODUCTS THAT MAY BE INSTALLED OR APPLIED TO WINDSHIELDS AND FRONT SIDE WINDOWS OF MOTOR VEHICLES FOR WHICH MEDICAL EXEMPTION CERTIFICATES HAVE BEEN ISSUED; STANDARDS GOVERNING THE ISSUANCE OF MEDICAL EXEMPTION CERTIFICATES

13:20-1.7 Medical exemption certificate; exhibition to police [or upon inspection of motor vehicle]

(a) (No change.)

(b) The driver or operator shall exhibit the medical exemption certificate when requested to do so by a police officer while in the performance of the duties of his or her office[, or when requested to do so when the motor vehicle is presented for inspection or reinspection in accordance with N.J.S.A. 39:8-1].

SUBCHAPTER 4. [POWER STEERING INSTALLATION] VEHICLE EQUIPMENT

13:20-4.1 Definitions

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

“Body of a tire” means the fabric or cord material to which the rubber tread material is bonded.

“Manufacturer” means the person or corporation who makes or fabricates the tire or tread.

“Psi” means pressure in pounds per square inch.

“Stud” means a pin type device prepared for installation in the tread of an automobile and consists of a tungsten carbide core bonded to an outer casing or shell of plastic, aluminum, or steel.

“Stud tire” means an automobile tire fitted with studs in the tread in openings molded for that purpose by the tire or tread manufacturer.

13:20-4.2 [Equipment] Power Steering equipment approval

(a) All power steering equipment on motor vehicles offered for sale, sold, or registered in the State of New Jersey, shall [be approved by the Chief Administrator.] **meet all Federal requirements set forth by 49 CFR 570.7 and 49 CFR 570.63, which are incorporated herein by reference.**

[(b) A certificate of approval will be issued on presentation of satisfactory evidence that the equipment is of a type which can be used manually in the event of failure of the power unit. (Affidavits or statements from new car manufacturers to the above effect will be acceptable.)]

(b) Any power steering device installed in a motor vehicle, offered for sale, sold, or registered in the State of New Jersey, shall be of a type that will permit the continued use of the power steering mechanism under manual control in the event of the failure of the power unit.

[SUBCHAPTER 5. MANUAL DOOR EQUIPMENT]

13:20-[5.2]4.3 Manual door opening [of doors]

(a) All vehicles registered in New Jersey must be equipped with some means of opening the doors manually from within the vehicle and vehicles must be equipped with outside door handles or equivalent devices.

[13:20-5.3 Exceptions]

(b) This [Subchapter] subchapter shall not apply to vehicles used for the transportation of persons in the custody of law enforcement officers; provided, however, that in such cases, in addition to the driver, there is on duty in the vehicle at least one other person capable of opening the doors in the event of accident.

[SUBCHAPTER 6. MUFFLER DEVICES]

13:20-[6.1]4.4 Prohibitory muffler devices

Pursuant to the provisions of N.J.S.A. 39:3-43, the use upon any motor vehicle of a straight exhaust pipe, or a muffler or mufflers lacking interior baffle plates or other effective muffling devices is expressly prohibited.

13:20-4.5 Stud tires

All stud tires sold to or used on New Jersey registered vehicles must meet all Federal requirements set forth by the USDOT.

13:20-4.6 Brake linings

All brake linings on motor vehicles offered for sale, sold, or registered in the State of New Jersey must meet all Federal requirements set forth by Federal Motor Vehicle Safety Standard No. 105 (49 CFR 571.105), which is incorporated herein by reference, as amended and supplemented.

13:20-4.7 Safety glazing material; other equipment

All safety glazing materials or other equipment on motor vehicles offered for sale, sold, or registered in the State of New Jersey must meet all Federal requirements set forth by Federal Motor Vehicle Safety Standard No. 205 and 205a (49 CFR 571.205 and 49 CFR 571.205a), which is incorporated herein by reference, as amended and supplemented.

SUBCHAPTERS 5. AND 6. (RESERVED)

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.

...

“Driving school vehicle” means any vehicle owned or leased by a licensed Motor Vehicle Commission driving school used to provide driver training and testing to school clients.

...

“Electric vehicle” means any vehicle powered solely by electric without an on-board engine or generator or does not use a hydrocarbon fuel to create electric. These vehicles can include plug-in electric, but not plug-in electric, or solar-powered vehicles.

...

“Inspection decal” means an inspection sticker issued by an official inspection facility, a State specialty inspection facility, or the Motor Vehicle Commission’s Mobile Inspection Services Bus Unit in accordance with N.J.A.C. 13:20-7.4, setting forth the year and month in which a motor vehicle less than [four] five model years old shall be presented for inspection in this State.

...

“Limousine” means any motor vehicle that is issued special registration plates bearing the word “limousine” pursuant to N.J.S.A. 39:3-19.5, other than motor vehicles that are subject to inspection by the Motor Vehicle Commission’s [Commercial] Bus Inspection [and Investigation] Unit.

...

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.-4. (No change.)

5. Limousines; [and]

6. Jitneys[.];

7. Heavy duty diesel powered motor vehicles with GVWR 18,000 pounds or over;

8. Ambulances, regardless of fuel type;

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

10. Driving school vehicles.

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

1.-2. (No change.)

3. Motorized bicycles and motorcycles;

4.-8. (No change.)

9. Diesel powered motor vehicles having a GVWR of greater than 8,500 pounds but less than 10,000 pounds registered as a passenger vehicle in accordance with N.J.S.A. 39:3-4;

10. Diesel powered motor vehicles model year 1996 or older having a GVWR less than 8,501 pounds registered as passenger vehicle in accordance with N.J.S.A. 39:3-4;

[9.] **11. Omnibuses that are subject to inspection by the Commission’s [Commercial] Inspection Services Bus Inspection [and Investigation] Unit;**

[10.] **12. School buses [which] that are subject to inspection by the Commission’s [School Bus] Inspection Services Bus Unit in accordance with N.J.S.A. 39:3B-18 et seq.; [and]**

[11.] **13. Tactical military vehicles operated on Federal installations within this State[.]; and**

14. Electric vehicles and other vehicles not fueled by hydrocarbon based fuel.

13:20-7.3 Inspection facilities

(a) (No change.)

(b) Official inspection facilities shall perform 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 motorcycles]. Official inspection facilities shall not perform inspections on 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 [Commercial Bus] Inspection [and Investigation]

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 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 motorcycles]. Licensed private inspection facilities shall not perform inspections on school buses, buses that are subject to inspection by the Commission’s [Commercial Bus] Inspection [and Investigation] **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)-(e) (No change.)

13:20-7.4 Temporary authorization certificates; period of validity

(a) Except as otherwise provided in (b) below, whenever a motor vehicle, which has been previously registered other than on a temporary basis in a foreign jurisdiction and is less than [four] five model years old and will not become [four] 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 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 an inspection decal pursuant to this subsection shall be subject to inspection during the calendar year in which the motor vehicle becomes [four] five model years old no later than the last day of the calendar month within that year that is designated on the inspection decal affixed to such motor vehicle pursuant to this subsection. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

(b) (No change.)

(c) Whenever a motor vehicle, which has been previously registered other than on a temporary basis in a foreign jurisdiction and is [four] five model years old or older or will become [four] 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 vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

(d) Whenever a new motor 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 vehicle receiving a decal pursuant to this subsection shall be subject to inspection not later than [four] 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 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 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)-(f) (No change.)

(g) Except as otherwise provided in (g)3 below, 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 less than [four] five model years old and will not become [four] 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 [four] **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 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 [four] **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.

3. (No change.)

(h) Whenever a used motor vehicle, which has been purchased in this or any other [State] **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 [four] **five** model years old or older or will become [four] **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 inspection facility 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.

(i) Whenever a used motor vehicle, which has been purchased in this State and is less than [four] **five** model years old and will not become [four] **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 reinspection by a licensed private inspection facility, the motor vehicle shall next be inspected during the calendar year in which the motor vehicle becomes [four] **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;

2. 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 if the registrant does not wish to retain the collector motor vehicle designation. 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 [four] **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; or

3. (No change.)

(j) Whenever a used motor vehicle, which has been purchased in this State and is [four] **five** model years old or older or will become [four] **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 shall either:

1.-2. (No change.)

SUBCHAPTER 9. [HANDICAPPED] PERSONS WITH A DISABILITY PARKING PRIVILEGES

13:20-9.1 [Handicapped person] **Person with a disability** identification vehicle registration plates and placards

(a) When a request is received for [handicapped] person **with a disability** identification vehicle registration plates or placards pursuant to N.J.S.A. 39:4-204 et seq., the following regulations shall apply:

1.-2. (No change.)

3. The Chief Administrator may require the applicant to be examined by a physician, podiatrist, or chiropractic physician licensed in New Jersey or a bordering state, or by such physician, podiatrist, or chiropractic physician appointed by the State for the purpose of determining that the applicant's stated disability qualifies him or her under the [definition of "handicapped person" as it appears in] **provisions of N.J.S.A. 39:4-204** and this subchapter. The cost of such examination will be borne by the applicant.

4.-5. (No change.)

13:20-9.2 Medical evidence by [handicapped] persons **with a disability** [Handicapped person] **Person with a disability** identification vehicle registration plates or placards may be issued to qualified [handicapped] persons[, as defined in] **with a disability, pursuant to the provisions of N.J.S.A. 39:4-204** and this subchapter, when such [handicapped] person has submitted medical evidence, satisfactory to the Chief Administrator, on the form provided by the Chief Administrator.

13:20-9.4 Limitation on number of certificates

One set of [handicapped] person **with a disability** identification vehicle registration plates and/or one placard may be issued to a qualified [handicapped] person **with a disability**, but in no event shall the number of [handicapped] person **with a disability** identification vehicle registration plates and placards issued to any one person exceed one set of plates and one placard.

13:20-9.5 Passenger vehicles or motorcycles

[Handicapped person] **Person with a disability** identification vehicle registration plates and placards shall be issued for use on passenger vehicles or motorcycles only and in no event shall a certificate be issued for or used on a vehicle [which] **that** is used for commercial purposes.

13:20-9.6 Temporary certificates

A [handicapped] person **with a disability** identification vehicle registration placard may be issued on a temporary basis not more than six months' duration by the chief of police of each municipality to a person who is certified by a physician, podiatrist, or chiropractic physician to be temporarily disabled to a degree which would qualify him or her under the provisions of N.J.S.A. 39:4-204[, N.J.S.A.] **and 39:4-206[.]** and this subchapter.

SUBCHAPTER 17. [DRIVER IMPROVEMENT SCHOOLS]
REMEDIAL DRIVER EDUCATION

13:20-17.1 Purpose

(a) The Chief Administrator of the Motor Vehicle Commission recognizing his or her responsibility to control the driving of persons to whom he or she issues driver licenses and further recognizing his or her responsibility in the field of highway safety hereby promulgates this [regulation] **subchapter** establishing [Commission Driver Improvement Schools] **requirements for remedial driver education**.

(b) The purpose of the [Commission Driver Improvement Schools] **remedial driver education programs** is to correct the attitude, driving habits, and disregard of the motor vehicle laws of drivers who, in the opinion of the Chief Administrator and according to the records of the Commission, have established unfavorable driving records.

13:20-17.2 Attendance

The Chief Administrator[, in his or her discretion,] may require attendance at and successful completion of a [Driver Improvement School Course] **remedial driver education program** as a condition to restoration of a driver license privilege, or he or she may permit attendance in lieu of all or part of a period of suspension.

13:20-17.3 Amount of fee

(a) Any person attending a [Motor Vehicle Commission] **remedial driver [improvement school] education program administered by the Commission** shall pay an attendance fee of \$150.00.

(b) Any person attending a **remedial education program administered by a licensed driving school or approved Statewide safety organization shall pay a \$75.00 administrative fee to the Commission and a fee of up to \$75.00 to the provider administering the remedial driver program.**

13:20-17.4 Manner of payment

(a) Payment of the prescribed attendance fee of a **Commission-administered program, and payment of the prescribed administrative fee for students participating in a provider-administered program, pursuant to N.J.A.C. 13:20-17.3**, shall be made only by check or money order. Such check or money order shall accompany the request for an opportunity to attend a **remedial driver [improvement school] education program**.

(b) (No change.)

(c) No one shall be scheduled to attend **remedial driver [improvement school] education** until the full attendance fee for that person has been received by the Motor Vehicle Commission.

13:20-17.5 Penalty

(a) Failure to make payment in the amount and manner prescribed in [these provisions] **this subchapter** shall automatically result in the imposition of the suspension for the period originally set forth in the notice of proposed suspension.

(b) **A person who enrolls in a probationary driver program (PDP) course shall make payment and complete the course within 120 days from the date of the fee notice, as printed on the notice. A person who enrolls in a driver improvement program (DIP) course shall complete the course within 60 days from the date of the fee due notice, as printed on the notice.**

[13:19-10.3] **13:20-17.6 [Driver improvement] Remedial driver education program attendance**

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

(c) The fee for attendance at a Motor Vehicle Commission driver improvement program shall be \$ 150.00.]

[(d)] (e) The Chief Administrator is authorized to [exercise discretionary authority to] require any person who is licensed on a probationary basis in accordance with N.J.S.A. 39:3-10b to attend a Probationary Driver Program whenever said person accumulates two or more violations of the motor vehicle law which result in the assessment of four or more points under N.J.A.C. 13:19-10.1.

[(e)] (d) A person who is required to attend a Probationary Driver Program shall agree to attend each session of the program and to comply with all rules governing attendance, conduct, instruction, and

examinations. A person who fails to comply with the foregoing requirements or who otherwise fails to successfully complete the Probationary Driver Program **within 120 days of the fee due notice for the PDP** shall be subject to a driver license suspension for the period contained in the notice of proposed suspension. A person who successfully completes the Probationary Driver Program shall be officially warned with respect to future driving.

[(f) The fee for attendance at a Motor Vehicle Commission probationary driver program shall be \$150.00.]

SUBCHAPTER [14.] **18. DRIVER IMPROVEMENT PROGRAM AND PROBATIONARY DRIVER PROGRAM**

Recodify existing 13:19-14.1, 14.2, 14.3, and 14.4 as **13:20-18.1, 18.2, 18.3, and 18.4** (No change in text.)

[13:19-14.5] **13:20-18.5** Application for provider license; contents

(a) (No change.)

(b) The application shall be accompanied by a remedial driver education provider license fee of \$250.00 payable to the Motor Vehicle Commission; \$25.00 shall be payable at the time the application is submitted and the remainder of the remedial driver education provider license fee shall be payable following approval of the application and prior to issuance of the provider license. The application shall include the following information:

1.-10. (No change.)

11. Evidence that the proposed classroom(s) used to conduct remedial driver education courses meets all applicable zoning, fire, and safety regulations, codes, and standards for use as a classroom and meets the requirements of N.J.A.C. [13:19-14.14] **13:20-18.14**; and

12. (No change.)

(c)-(h) (No change.)

Recodify existing 13:19-14.6 through 14.13 as **13:20-18.6 through 18.13** (No change in text.)

[13:19-14.14] **13:20-18.14** Operating requirements

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

(e) Prior to enrollment and payment of any fees from the participant to the provider, the provider shall make available the following information, in writing or by electronic means, such as, but not limited to, a website or email, to program participants:

1.-2. (No change.)

3. Notice that the updating of participant's driving record is dependent on the provider transmitting the remedial driver education course completion information to the Commission by the end of the next business day following completion of the program, pursuant to N.J.A.C. [13:19-14.16] **13:20-18.16**; and

4. (No change.)

(f) (No change.)

Recodify existing N.J.A.C. 13:19-14.15 through 14.19 as **13:20-18.15 through 18.19** (No change in text.)

[13:19-14.20] **13:20-18.20** Application for instructor license; contents

(a) (No change.)

(b) Every applicant for an instructor's license shall:

1.-3. (No change.)

4. Have no conviction for any of the offenses set forth at N.J.A.C. [13:19-14.9(a)] **13:20-18.9(a)** within the past 10 years, in New Jersey or any other jurisdiction;

5.-7. (No change.)

(c)-(e) (No change.)

[13:19-14.21] **13:20-18.21** Instructor license fee; term

The fee for the initial instructor license shall be \$75.00; the fee for renewal of the instructor license shall be \$75.00. The license and every renewal thereafter shall be valid for a period of two years from the date of initial issuance and may be renewed upon application in accordance with the requirements of this subchapter. The Chief Administrator may issue a license for less than the two-year period for applicants applying in the middle of a licensing cycle, to coincide with the biennial licensing period.

The fee for a license with an expiration date of less than the two-year licensing period shall be fixed by the Chief Administrator in an amount proportionately less than the fee established at N.J.A.C. [13:19-14.22] **13:20-18.22**.

Recodify existing N.J.A.C. 13:19-14.22, 14.23, and 14.24 as **13:20-18.22, 18.23, and 18.24** (No change in text.)

[13:19-14.25] **13:20-18.25** Denial, suspension, revocation, or refusal to renew instructor's license

(a) The Chief Administrator or his or her designee may deny, suspend, or revoke an instructor license, or refuse to issue an instructor license or a renewal thereof, for any of the reasons specified in this subchapter, including those set forth at N.J.A.C. [13:19-14.9] **13:20-18.9**, or for failure to continue to meet the requirements set forth at N.J.A.C. [13:19-14.20(b)] **13:20-18.20(b)**, or for other good cause, after due notice in writing thereof, in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(b) (No change.)

[13:19-14.26] **13:20-18.26** (No change in text.)

[13:19-14.27] **13:20-18.27** Written notice of suspension or revocation or refusal to grant or renew provider or instructor license

The Chief Administrator shall notify the applicant or licensee, in writing, of any proposed denial, refusal to renew, suspension, or revocation of the license and the grounds thereof. Written notice shall be mailed to the place of business on record with the Commission. Unless the applicant or licensee files with the Chief Administrator a written request for a hearing in accordance with N.J.A.C. [13:19-14.28] **13:20-18.28**, the license shall be suspended or revoked on the date specified in such notice.

[13:19-14.28] **13:20-18.28** Request for hearing

(a) If an applicant or licensee has been notified in accordance with N.J.A.C. [13:19-14.27] **13:20-18.27** of a proposed denial, refusal to renew, suspension, or revocation of its provider or instructor license, the applicant or licensee shall be entitled to an administrative hearing concerning such proposed denial, refusal to renew, suspension, or revocation provided the applicant or licensee has filed, and the Chief Administrator has received, a written request for a hearing within 25 days. The 25-day period shall commence on the date such notice was mailed to the applicant or licensee by the Commission in accordance with N.J.A.C. [13:19-14.27] **13:20-18.27**.

(b)-(c) (No change.)

[13:19-14.29] **13:20-18.29** (No change in text.)

[13:19-14.30] **13:20-18.30** Emergency disciplinary action

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

(d) The licensee shall be afforded an opportunity to request a hearing concerning the proposed final agency action pursuant to N.J.A.C. [13:19-14.29] **13:20-18.29**.

SUBCHAPTER 22. (RESERVED)

SUBCHAPTER 24. MOTORCYCLES

13:20-24.1 [Approval of] **Safety standards for goggles and face shields**

(a) [After January 1, 1968, no] **No person shall sell, offer for sale, or distribute any goggles or face shields for use by the operators of motorcycles, unless they [are of a type approved by the Chief Administrator of the Motor Vehicle Commission] meet the American Standard Safety Code specifications for head, eye, respiratory protection 22.1-1959, incorporated herein by reference, as amended and supplemented.**

(b) [After January 1, 1968, no] **No person shall operate a motorcycle without wearing [approved-type] goggles or [an approved-type] a face shield unless the motorcycle is equipped with [an approved-type] a windshield that meets American Standard Safety Code specifications for head, eye, respiratory protection 22.1-1959.**

[(c) Letters requesting approval of goggles, face shields or windscreens shall be sent to the Chief Administrator, Motor Vehicle Commission.]

13:20-24.2 through 24.9 (Reserved)

13:20-24.10 Adoption and incorporation of Federal Motor Vehicle Safety Standard for motorcycle helmets

(a) The Chief Administrator of the Motor Vehicle Commission hereby adopts and incorporates by reference Federal Motor Vehicle Safety Standard No. 218 (49 CFR [§]571-218), as amended and supplemented.

(b) Federal Motor Vehicle Safety Standard No. 218 may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, (202) 783-3283, and is available for review during regular business hours at:.

[Office of the Chief Administrator
New Jersey Motor Vehicle Commission
225 East State Street
9th Floor
Trenton, NJ 08666-0160

Regular business hours at this office are 8:30 A.M. to 4:30 P.M., Eastern Time, Monday through Friday. The telephone number is (609) 777-1407.]

13:20-24.12 through 20 (Reserved)

SUBCHAPTER 25. (RESERVED)

SUBCHAPTER 26. COMPLIANCE WITH DIESEL EMISSION STANDARDS AND EQUIPMENT, PERIODIC INSPECTION PROGRAM FOR DIESEL EMISSIONS, AND SELF-INSPECTION OF CERTAIN CLASSES OF MOTOR VEHICLES

13:20-26.16 Periodic 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, 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 [an official inspection facility or] 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 [diesel emission inspection center] **private inspection facility** licensed pursuant to N.J.A.C. 13:20-47 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 [al.] **seq.** shall present his or her heavy-duty diesel truck, diesel-powered motor vehicle, diesel bus, or regulated diesel solid waste vehicle to a [diesel emission inspection center] **private inspection facility** licensed pursuant to N.J.A.C. 13:20-47, so that the installation of the required best available retrofit technology device(s) can be confirmed and verified by the [diesel emission inspection center] **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 [diesel emission inspection center] **private inspection facility** and that such [center] **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 27. INSPECTION OF NEW HEAVY-DUTY DIESEL TRUCKS

13:20-27.6 Inspection decal; period of validity

(a) (No change.)

(b) A new heavy-duty diesel truck receiving a decal as an indication of successful inspection pursuant to this subchapter shall next be inspected for diesel emissions at a licensed [diesel emission inspection center] **private inspection facility** not later than two years from the last day of the calendar month in which the new heavy-duty diesel truck was initially registered in this State, and the decal affixed to the new heavy-duty diesel truck by the new motor vehicle dealer or the motor vehicle leasing company shall so indicate. Thereafter, the heavy-duty diesel truck shall be subject to an annual diesel emission inspection in compliance with the periodic inspection program pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-26.17(b).

(c) Notwithstanding (b) above, in the event that the ultimate purchaser of a new heavy-duty diesel truck transfers the registration of a previously owned heavy-duty diesel truck registered in his or her name to the new heavy-duty diesel truck, the new heavy-duty diesel truck shall next be inspected for diesel emissions at a licensed [diesel emission inspection center] **private inspection facility** not later than two years from the expiration date of the transferred registration, and the decal affixed to the new heavy-duty diesel truck by the new motor vehicle dealer or the motor vehicle leasing company shall so indicate. Thereafter, the heavy-duty diesel truck shall be subject to an annual diesel emission inspection in compliance with the periodic inspection program pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-26.17(b).

SUBCHAPTER 28. INSPECTION OF NEW MOTOR VEHICLES

13:20-28.4 Manufacturers' new motor vehicle inspection procedure

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

[d] Any new motorcycle dealer which inspects new motorcycles pursuant to this subchapter must be licensed as a Class III private inspection facility pursuant to N.J.A.C. 13:20-44.]

13:20-28.6 Decal; period of validity

(a) A new motor vehicle dealer or a motor vehicle leasing company shall, after satisfactory completion of an inspection of a new motor vehicle pursuant to this subchapter, affix a decal upon such motor vehicle as an indication of same. The decal 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 decal shall be completely visible from the front of the motor vehicle. The decal shall be affixed in an upright position. [In the

case of a new motorcycle, the decal shall be affixed to the right side of the rear license plate, equally centered between the upper right and lower right corners of the license plate, in such a position as to be easily visible for enforcement purposes.]

(b) A new motor vehicle receiving a decal as an indication of successful inspection pursuant to this subchapter shall next be inspected not later than [four] **five** years from the last day of the calendar month in which the motor vehicle was inspected by the new motor vehicle dealer or the motor vehicle leasing company, and the decal affixed to the motor vehicle by the new motor vehicle dealer or the motor vehicle leasing company shall so indicate.

(c) (No change.)

SUBCHAPTER 30. INSPECTION OF SCHOOL BUSES

13:20-30.7 Daily school bus condition report by driver

(a) Every operator shall require his or her drivers to report, and every driver shall prepare such a report in writing or via a Commission-approved electronic device at the beginning of his or her workday or tour of duty, which report shall list any defects or deficiencies of the school bus discovered by the driver as would be likely to affect the safe operation of the school bus or result in its mechanical breakdown, or shall indicate that no such defects or deficiencies were discovered by him or her. A sample of the "Driver Daily Report" form that may be used for submitting the driver daily report can be found on the Motor Vehicle Commission website at <http://www.state.nj.us/mvc/Inspections/SchoolBus.htm>. Similar forms containing the required information or electronic devices may be used to report daily school bus condition upon prior approval by the Commission.

1. As used in this subsection, "tour of duty" begins when a driver reports to a bus that he or she will operate to transport passengers on a run/trip/route and ends when the same driver returns from a completed run/trip/route and parks and exits the vehicle.

(b)-(c) (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 motor vehicle inspection" means the 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.**

... **"Driving school vehicle" means any vehicle owned or leased by a licensed Motor Vehicle Commission driving school used to provide driver training and testing to school clients.**

... **"Electric vehicle" means any vehicle powered solely by electric without an on-board engine or generator, or that does not use a hydrocarbon fuel to create electric. These vehicles include plug-in electric, but not plug-in hybrid electric, or solar powered vehicles.**

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 [and motorcycles] for compliance with inspection standards.

(b) Official inspection facilities shall be authorized to engage in the 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 [and motorcycles]; provided, however, official inspection facilities shall not inspect 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 [Commercial Bus] Inspection [and Investigation] **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)-(f) (No change.)

[g] If a motorcycle registered in New Jersey conforms to the inspection standards set forth in this subchapter, the motorcycle shall be certified by an official inspection facility by affixing a current inspection certificate of approval to the right side of the rear license plate, equally centered between the upper right and lower right corners of the license plate, in such a position as to be easily visible for enforcement purposes. The inspection certificate of approval shall be affixed in an upright position. If there is a previous certificate of approval affixed to the rear license plate at the location specified in this subsection, the new certificate of approval shall be affixed so as to cover the previous certificate of approval. If there is a previous certificate of approval affixed to the rear license plate at a location other than that specified in this subsection, the new certificate of approval shall be affixed at the location specified in this subsection.

(h) If a motorcycle registered in New Jersey does not conform to the inspection standards set forth in this subchapter, the official inspection facility shall present the inspection report or card for such motorcycle to the operator thereof. The inspection report or card shall be an indication that adjustments, corrections, or repairs to the motorcycle which has failed inspection must be made and the motorcycle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.]

Recodify existing (i)-(o) as (g)-(m) (No change in text.)

[p] (n) 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 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 [four] **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 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.

[q] (o) Any motor vehicle less than [four] **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, 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, or (i)2 and this subsection shall be subject to inspection during the calendar year in which the motor vehicle becomes [four] **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, 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[, if applicable and further provided that there are no obvious safety, emission-related or OBD-related defects].

[(r)] (p) (No change in text.)

13:20-32.3 Credentials; official inspection facilities

(a) The driver of a **passenger** motor vehicle presented for inspection shall [present] **possess** 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. [Photocopies or facsimiles of credentials shall not be accepted. Credentials shall be legible and shall contain no alterations.] **Official inspection facilities employees shall advise motorists of such requirement.**

(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) (No change.)

(b) Certification of a **passenger** motor vehicle shall not be refused because the following requirements are not met; however, the motorist shall be advised to have the condition corrected:

1.-5. (No change.)

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[; or].

[8. Registration plate decal(s), which may be issued by the Motor Vehicle Commission for use on the front and rear license plates, shall indicate the month and year in which the registration certificate for the motor vehicle expires and shall, if issued, be firmly attached to the front and rear license plates.]

(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.**

13:20-32.6 [Front] **Commercial vehicle inspection: front parking lights;** official inspection facilities

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

13:20-32.7 [Glazing] **Commercial vehicle inspection: glazing;** official inspection facilities

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

13:20-32.8 [Obstruction] **Commercial vehicle inspection: obstruction** to driver's vision; official inspection facilities
(a)-(d) (No change.)

13:20-32.9 [Horn] **Commercial vehicle inspection: horn**; official inspection facilities
(a)-(b) (No change.)

13:20-32.10 [Windshield] **Commercial vehicle inspection: windshield** wipers; official inspection facilities
(a)-(g) (No change.)

13:20-32.11 [Clearance] **Commercial vehicle inspection: clearance** lights; official inspection facilities
(a)-(e) (No change.)

13:20-32.12 [Turn] **Commercial vehicle inspection: turn** signals and hazard warning signals; official inspection facilities
(a)-(h) (No change.)

13:20-32.13 [Reflectors] **Commercial vehicle inspection: reflectors**; official inspection facilities
(a)-(i) (No change.)

13:20-32.14 [Identification] **Commercial vehicle inspection: identification** lights; official inspection facilities
(a)-(d) (No change.)

13:20-32.15 [Side-marker] **Commercial vehicle inspection: side-marker** lights; official inspection facilities
(a)-(d) (No change.)

13:20-32.16 [Taillights] **Commercial vehicle inspection: taillights** and license plate light; official inspection facilities
(a)-(g) (No change.)

13:20-32.17 [Stoplights] **Commercial vehicle inspection: stoplights**; official inspection facilities
(a)-(h) (No change.)

13:20-32.18 [Wheels] **Commercial vehicle inspection: wheels**; official inspection facilities
(a)-(b) (No change.)

13:20-32.19 [Tires] **Commercial vehicle inspection: tires**; official inspection facilities
(a)-(g) (No change.)

13:20-32.20 [Exhaust] **Commercial vehicle inspection: exhaust** system; official inspection facilities
(a)-(b) (No change.)

13:20-32.21 [Prescribed] **Commercial vehicle inspection: prescribed** emission or on-board diagnostics test(s); official inspection facilities
(a)-(d) (No change.)

13:20-32.22 [Emission] **Commercial vehicle inspection: emission** test equipment and 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 [and 4.2(b)].

13:20-32.23 [Headlights] **Commercial vehicle inspection: headlights**; official inspection facilities
(a)-(l) (No change.)

13:20-32.24 [Rear] **Commercial vehicle inspection: rear** view mirrors; official inspection facilities
(a)-(e) (No change.)

13:20-32.25 [Miscellaneous] **Commercial vehicle inspection: miscellaneous** lights; official inspection facilities
(a)-(n) (No change.)

13:20-32.26 [Wiring] **Commercial vehicle inspection: wiring** and switching; official inspection facilities
(a)-(c) (No change.)

13:20-32.27 [Headlight] **Commercial vehicle inspection: headlight** beam indicator light; official inspection facilities

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.

13:20-32.28 [Turn] **Commercial vehicle inspection: turn** signal and hazard warning signal indicator lights; official inspection facilities
(a)-(e) (No change.)

13:20-32.29 [Antenna] **Commercial vehicle inspection: antenna**; official inspection facilities

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.

13:20-32.30 [Body] **Commercial vehicle inspection: body**; official inspection facilities
(a)-(c) (No change.)

13:20-32.31 [Bumpers] **Commercial vehicle inspection: bumpers**; official inspection facilities
(a)-(c) (No change.)

13:20-32.32 [Doors] **Commercial vehicle inspection: doors**; official inspection facilities
(a)-(c) (No change.)

13:20-32.33 [Fenders] **Commercial vehicle inspection: fenders** and fender flaps; official inspection facilities
(a)-(b) (No change.)

13:20-32.34 [Fuel] **Commercial 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.

13:20-32.35 [Hood] **Commercial vehicle inspection: hood**; official inspection facilities

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.

13:20-32.36 [Lettering] **Commercial vehicle inspection: lettering**; official inspection facilities
(a)-(c) (No change.)

13:20-32.37 [Ornaments] **Commercial vehicle inspection: ornaments**; official inspection facilities

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

13:20-32.38 [Pedals] **Commercial vehicle inspection: pedals**; official inspection facilities

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.

13:20-32.39 [Racks] **Commercial vehicle inspection: racks** or carriers; official inspection facilities

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 may cause injury to persons.

13:20-32.40 [Reflective] **Commercial vehicle inspection: reflective tape; official inspection facilities**

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.

13:20-32.41 [Seats] **Commercial vehicle inspection: seats; official inspection facilities**

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.

13:20-32.42 [Seat] **Commercial vehicle inspection: seat belts; air bags; official inspection facilities**

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

13:20-32.43 [Gear] **Commercial vehicle inspection: gear shift indicator; official inspection facilities**

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.

13:20-32.44 [Transmission] **Commercial vehicle inspection: transmission; official inspection facilities**

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.

13:20-32.45 [Television] **Commercial vehicle inspection: television, videocassette recorder, or digital video disk player; video camera; global positioning system; official inspection facilities**

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

13:20-32.46 [Trunk] **Commercial vehicle inspection: trunk lid; official inspection facilities**

A motor vehicle trunk lid shall be capable of being securely fastened in accordance with the motor vehicle manufacturer's original design and specification.

13:20-32.47 [Service] **Commercial vehicle inspection: service brakes (including service brake equalization and service brake pedal reserve); official inspection facilities**

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

13:20-32.48 [Parking] **Commercial vehicle inspection: parking brake; official inspection facilities**

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

13:20-32.49 [Speed] **Commercial vehicle inspection: speed recording instrument (speedometer); mileage recording instrument (odometer); official inspection facilities**

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.

13:20-32.50 through 32.71 (Reserved)

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 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 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.

"Class III" means a licensed private inspection facility equipped with 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.

"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.

...
"Driving school vehicle" means any vehicle owned or leased by a licensed Motor Vehicle Commission driving school used to provide driver training and testing to school clients.

...
"Electric vehicle" means any vehicle powered solely by electric without an on-board engine or generator, and that does not use a hydrocarbon fuel to create electric. These vehicles include plug-in electric, but not plug-in hybrid electric, or solar powered vehicles.

...
"Inspection decal" means an inspection sticker issued by an official inspection facility, a State specialty inspection facility, or the Motor Vehicle Commission's Mobile Inspection Services Bus Unit in accordance with N.J.A.C. 13:20-7.4 setting forth the year and month in which a motor vehicle less than [four] five model years old shall be presented for inspection in this State.

...
"On-board diagnostics" or "OBD" means an automotive diagnostic system complying with California [Air Resources Board] OBD regulations at Title 13 California Code section 1968.1 or EPA OBD regulations [effective for model year 1996 and newer gasoline-fueled and bi-fueled motor vehicles and for model year 1997 and newer diesel-fueled motor vehicles] at 40 CFR Part 86.

...
"Smoke opacity inspection" means the emissions testing of heavy duty diesel vehicles, with a gross vehicle weight rating (GVWR) of 18,000 pounds or greater, as prescribed under the provisions of N.J.A.C. 7:27B.

13:20-33.2 General provisions; Class I, [I-A,] II, [II-A 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, [and] Class II, **Class III, Class IV, and Class V** licensed private inspection facilities when [inspecting and certifying automobiles, gasoline-fueled and bi-fueled trucks, 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 for compliance with inspection standards, Class I-A and Class II-A licensed private inspection facilities when inspecting and certifying automobiles, 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 for compliance with inspection standards and Class III licensed private inspection facilities when inspecting and certifying motorcycles for compliance with inspection standards.] **conducting the following vehicle inspections:**

1. **Passenger vehicle inspection;**
2. **Commercial vehicle inspection; or**
3. **Smoke opacity inspection.**

(b) (No change.)

(c) An emission or OBD inspection or reinspection shall be performed by a motor vehicle emission inspector licensed in accordance with N.J.S.A. 39:8-1 et seq. and N.J.A.C. 13:20-43.17. The motor vehicle emission inspector shall sign his or her name on the motor vehicle inspection report upon completion of the inspection or reinspection of a motor vehicle. A safety inspection or reinspection shall be performed by a mechanic possessing the qualifications set forth at N.J.A.C. 13:20-44.19. The mechanic shall sign his or her name on the motor vehicle inspection report [or motorcycle inspection invoice] upon completion of the inspection or reinspection of a motor vehicle [or motorcycle].

(d) The fee that may be charged by a Class I, [or Class I-A] **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 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 [Class I-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) [The fee which may be charged by a Class III licensed private inspection facility for an initial inspection shall not exceed one-quarter of the private inspection facility's hourly labor charge.] The schedule of inspection charges shall be displayed at the facility's place of business and filed with the Motor Vehicle Commission's Private Inspection Facility Licensing Unit.

(f) A Class I, [or] Class II, **Class IV, or Class V** licensed private inspection facility shall not perform emission-related or OBD-related motor vehicle repairs and a [Class I-A or Class II-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)-(j) (No change.)

(k) 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 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 I-A,] Class II, **Class IV, or Class [II-A] V** 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 I-A,] Class II, **Class IV, or [Class II-A] Class V** 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 commercial vehicle license plates by the Motor Vehicle Commission[,; taxicab[,; limousine; or jitney 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, [or Class I-A] **Class II, Class IV, or Class V** licensee shall present the motor vehicle inspection report for such motor vehicle to the operator thereof, and a Class I, [Class I-A,] Class II, **Class IV, or [Class II-A] Class V** 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 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 within the period of time set forth in N.J.A.C. 13:20-7.5.

(m) (No change.)

(n) If a motorcycle registered in New Jersey conforms to the inspection standards set forth in this subchapter, the motorcycle shall be certified by a Class III licensee by affixing a current inspection certificate of approval to the right side of the rear license plate, equally centered between the upper right and lower right corners of the license plate, in such a position as to be easily visible for enforcement purposes. The inspection certificate of approval shall be affixed in an upright position. If there is a previous certificate of approval affixed to the rear license plate at the location specified in this subsection, the new certificate of approval shall be affixed so as to cover the previous certificate of approval. If there is a previous certificate of approval affixed to the rear license plate at a location other than that specified in this subsection, the new certificate of approval shall be affixed at the location specified in this subsection.

(o) If a motorcycle registered in New Jersey does not conform to the inspection standards set forth in this subchapter, the private inspection facility shall present the inspection card for such motorcycle to the operator thereof. The inspection card shall be an indication that adjustments, corrections, or repairs to the motorcycle which has failed inspection must be made and the motorcycle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.]

Recodify existing (p)-(y) as **(n)-(w)** (No change in text.)

13:20-33.3 Credentials; Class I, [I-A,] II, **III, IV, and [II-A] V** licensees

(a) The driver of a **passenger** motor vehicle presented for inspection shall [present] **possess** 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. [Photocopies or facsimiles of credentials shall not be accepted. Credentials shall be legible and shall contain no alterations.] **Class I, II, III, IV, and V inspection facility employees shall advise motorists of such requirement.**

(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.**

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

(a) (No change.)

(b) Certification of a **passenger** motor vehicle shall not be refused because the following requirements are not met; however, the motorist shall be advised to have the condition corrected:

1.-5 (No change.)

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[; or].

[8. Registration plate decal(s), which may be issued by the Motor Vehicle Commission for use on the front and rear license plates, shall indicate the month and year in which the registration certificate for the motor vehicle expires and shall, if issued, be firmly attached to the front and rear license plates.]

(c) Certification of a commercial motor vehicle shall be refused if 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 wastes, 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; and

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

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

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

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

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

(c) Certification of a commercial motor vehicle shall [not] be refused because of the following reasons[; however, the motorist shall be advised to have the defect corrected]:

1. (No change.)

2. A front parking light lens is damaged or missing. [Where the front turn signal lights are combined with the front parking lights, the motor vehicle shall not be refused certification because of a cracked, broken, or missing lens.]

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

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

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

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

(c) Certification of a commercial motor vehicle shall not be refused because a sign, poster, sticker, or other non-transparent material has been affixed to the windshield or front side window of a motor vehicle, provided the location of such sign, poster, sticker, or other non-transparent material does not obstruct the driver's vision. However, the motorist shall be advised to have the condition corrected.

(d) A commercial motor vehicle shall not be certified which has an air scoop on the engine hood if the scoop is so high that it obstructs more than a three inch high area of the windshield glass. The height of the obstructed area of the windshield glass shall be measured by placing a straight edge on the top of the scoop and holding the straight edge in a level position with one end contacting the windshield glass.

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

(a) Certification of a commercial motor vehicle shall be refused for any of the following reasons:

1.-8. (No change.)

(b) (No change.)

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

(a) Every commercial motor vehicle having a windshield shall be equipped with at least one windshield wiper in proper operating condition to provide clear vision for the driver. A commercial motor vehicle manufactured with only one windshield wiper shall have the wiper so located that it cleans the portion of the windshield directly in front of the driver in order for the driver to safely operate the motor vehicle.

(b) If a commercial motor vehicle was originally manufactured with two windshield wipers, both wipers shall operate properly.

(c)-(g) (No change.)

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

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

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

(a) Every commercial motor vehicle[, other than a noncommercial motorcycle,] shall be equipped with two front and two rear turn signals, except that a passenger vehicle manufactured before July 2, 1954, is not required to be equipped with turn signals. When any motor vehicle, regardless of the date of its manufacture, is equipped with turn signals, the turn signals shall be in proper operating condition.

(b)-(h) (No change.)

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

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

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

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

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

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

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

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

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

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

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

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

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

[(a) The tread on each tire shall not be less than 2/32 of an inch deep.

(b) Many tires have tread depth indicators that become exposed when the tread depth is less than 2/32 of an inch. Tread depth indicators shall be inspected and a tire rejected if it is worn so that the indicators are visible in any two adjacent major grooves at three locations spaced approximately equally around the outside of the tire. For tires without tread depth indicators, the tread depth shall be measured with a tire tread depth gauge.]

[(c)] (a) [Notwithstanding (a) above, the] The tread on each front tire of a motor vehicle 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 shall not be less than 4/32 of an inch deep. The tread on each rear tire of a motor vehicle 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 shall not be less than 2/32 of an inch deep.

Recodify existing (d)-(g) as **(b)-(e)** (No change in text.)

- 13:20-33.20 [Exhaust] **Commercial vehicle inspection: exhaust** system; Class I, [I-A.] II, [and II-A] **IV, and V** licensees
(a)-(b) (No change.)
- 13:20-33.21 [Prescribed] **Commercial vehicle inspection: prescribed** emission or on-board diagnostics test(s); Class I, [I-A.] II, [and II-A] **IV, and V** licensees
(a)-(d) (No change.)
- 13:20-33.22 [Emission] **Commercial vehicle inspection: emission** test equipment and on-board diagnostics inspection equipment maintenance; Class I, [I-A.] II, [and II-A] **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 [and 4.2(b)].
- 13:20-33.23 [Headlights] **Commercial vehicle inspection: headlights**; Class I, [I-A.] II, [and II-A] **IV, and V** licensees
(a)-(p) (No change.)
- 13:20-33.24 [Rear] **Commercial vehicle inspection: rear** view mirrors; Class I, [I-A.] II, **IV, and V** licensees
(a)-(e) (No change.)
- 13:20-33.25 [Miscellaneous] **Commercial vehicle inspection: miscellaneous** lights; Class I, [I-A.] II, [and II-A] **IV, and V** licensees
(a)-(n) (No change.)
- 13:20-33.26 [Wiring] **Commercial vehicle inspection: wiring** and switching; Class I, [I-A.] II, [and II-A] **IV, and V** licensees
(a)-(c) (No change.)
- 13:20-33.27 [Headlight] **Commercial vehicle inspection: headlight** beam indicator light; Class I, [I-A.] II, [and II-A] **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 [Turn] **Commercial vehicle inspection: turn** signal and hazard warning signal indicator lights; Class I, [I-A.] II, [and II-A] **IV, and V** licensees
(a)-(e) (No change.)
- 13:20-33.29 [Antenna] **Commercial vehicle inspection: antenna**; Class I, [I-A.] II, [and II-A] **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 [Body] **Commercial vehicle inspection: body**; Class I, [I-A.] II, [and II-A] **IV, and V** licensees
(a)-(c) (No change.)
- 13:20-33.31 [Bumpers] **Commercial vehicle inspection: bumpers**; Class I, [I-A.] II, [and II-A] **IV, and V** licensees
(a)-(c) (No change.)

- 13:20-33.32 [Doors] **Commercial vehicle inspection: doors**; Class I, [I-A.] II, [and II-A] **IV, and V** licensees
(a)-(c) (No change.)
- 13:20-33.33 [Fenders] **Commercial Vehicle Inspection: fenders** and fender flaps; Class I, [I-A.] II, **IV, and V** [II-A] licensees
(a)-(b) (No change.)
- 13:20-33.34 [Fuel] **Commercial vehicle inspection: fuel** system; Class I, [I-A.] II, [and II-A] **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 [Hood] **Commercial vehicle inspection: hood**; Class I, [I-A.] II, [and II-A] **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 [Lettering] **Commercial vehicle inspection: lettering**; Class I, [I-A.] II, [and II-A] **IV, and V** licensees
(a)-(c) (No change.)
- 13:20-33.37 [Ornaments] **Commercial vehicle inspection: ornaments**; Class I, [I-A.] II, [and II-A] **IV, and V** licensees
- All motor vehicle ornaments shall be free of sharp parts or edges which could cause injury to persons.
- 13:20-33.38 [Pedals] **Commercial vehicle inspection: pedals**; Class I, [I-A.] II, [and II-A] **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 [Racks] **Commercial vehicle inspection: racks** or carriers; Class I, [I-A.] II, [and II-A] **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 may cause injury to persons.
- 13:20-33.40 [Reflective] **Commercial vehicle inspection: reflective** tape; Class I, [I-A.] II, [and II-A] **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 [Seats] **Commercial vehicle inspection: seats**; Class I, [I-A.] II, [and II-A] **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 [Seat] **Commercial vehicle inspection: seat** belts; air bags; Class I, [I-A.] II, [and II-A] **IV, and V** licensees
- (a) All motor vehicles [which] **that** are required by law to be equipped with seat belts shall be in compliance with Federal Motor Vehicle Safety Standards Nos. 208 and 209, incorporated herein by reference. All motor vehicles [which] **that** are required by law to be equipped with air bags shall be in compliance with Federal Motor Vehicle Safety Standard No. 208, incorporated herein by reference. Copies of the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations (49 CFR Part 571) may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, (202) 783-3238[, and are available for review, during regular business hours, at:

Office of the Chief Administrator
New Jersey Motor Vehicle Commission
225 East State Street
9th Floor
Trenton, NJ 08666-0160

Regular business hours at this office are 8:30 A.M. to 5:00 P.M., Eastern Time, Monday through Friday. The telephone is (609) 777-1407].
(b)-(c) (No change.)

13:20-33.43 [Gear] **Commercial vehicle inspection: gear** shift indicator; Class I, [I-A,] II, [and II-A] 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 [Transmission] **Commercial vehicle inspection: transmission;** Class I, [I-A,] II, [and II-A] 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 [Television] **Commercial vehicle inspection: television,** videocassette recorder, or digital video disk player; video camera; global positioning system; Class I, [I-A,] II, [and II-A] IV, and V licensees

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

13:20-33.46 [Trunk] **Commercial vehicle inspection: trunk** lid; Class I, [I-A,] II, [and II-A] 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 [Service] **Commercial vehicle inspection: service** brakes (including service brake equalization and service brake pedal reserve; Class I, [I-A,] II, [and II-A] IV, and V licensees

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

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

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

13:20-33.49 [Speed] **Commercial vehicle inspection: speed** recording instrument (speedometer); mileage recording instrument (odometer); Class I, [I-A,] II, [and II-A] 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 annual basis in accordance with N.J.A.C. 7.27-14.6 and 7.27-14.4.

13:20-33.51 through 33.71 (Reserved)

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 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 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.

"Class III" means a licensed privately owned and operated inspection facility equipped with 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.

"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.

...
"Driving school vehicle" means any vehicle owned or leased by a licensed Motor Vehicle Commission driving school used to provide driver training and testing to school clients.

"Electric vehicle" means any vehicle powered solely by electric without an on-board engine or generator, and that does not use a hydrocarbon fuel to create electric. These vehicles include plug-in electric, but not plug-in hybrid electric or solar powered vehicles.

...
"Inspection decal" means an inspection sticker issued by an official inspection facility in accordance with N.J.A.C. 13:20-7.4 setting forth the year and month in which a motor vehicle less than [four] five model years old shall be presented for inspection in this State.

13:20-43.2 Inspection requirements for motor vehicles; exempt vehicles; designation of collector motor vehicles]

(a) (No change.)

(b) The following vehicles, some of which may be subject to inspection under other provisions of law or regulation, 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 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. Diesel-fueled motor vehicles having a GVWR greater than 8,500 pounds but less than 10,000 pounds registered as passenger vehicle in accordance with N.J.S.A. 39-3-4;

11. Light duty diesel-fueled motor vehicles model year 1996 or older having a GVWR 8,500 pounds or less registered as passenger vehicle in accordance with N.J.S.A. 39-3-4;

[10.] 12. Omnibuses that are subject to inspection by the Motor Vehicle Commission's [Commercial] Bus Inspection [and Investigation] Unit;

[11.] 13. School buses that are subject to inspection by the Motor Vehicle Commission's [School] Inspection Services Bus [Inspection] Unit in accordance with N.J.S.A. 39:3B-18 et seq.; [and]

[12.] 14. Tactical military vehicles operated on Federal installations within this State[.]; and

15. Electric vehicles and other vehicles not fueled by hydrocarbon based fuel(s).

13:20-43.2A Designation of collector motor vehicles

Recodify existing (c)-(h) as (a)-(f) (No change in text.)

(g) 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 subsection 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 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.

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 I-A,] Class II, [or Class II-A] **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, [or Class I-A] **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 I-A] Class II, [or Class II-A] **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, [or Class I-A] **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 inspection facility or by a Class I, [Class I-A,] Class II, [or Class II-A] **Class III, Class IV, or Class V** licensed private inspection facility. The owner or lessee of fleet motor vehicles may apply for and be licensed by the Motor Vehicle Commission as a [Class II or Class II-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. Gasoline-fueled and bi-fueled motor vehicles that are registered as commercial motor vehicles pursuant to N.J.S.A. 39:3-20, **and diesel fueled vehicles with a GVWR less than 10,000 registered commercially;**

2.-3. (No change.)

4. Limousines; [and]

5. Jitneys[.];

6. Driving school vehicles; and

7. Heavy duty diesel powered vehicles with gross vehicle weight rating 18,000 pounds or more.

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 [with model years 1996 and later] having a GVWR of 8,500 pounds or less **and gasoline-**

fueled and bi-fueled model year 2007 and newer with a GVWR from 8,501 pounds to 14,000 pounds. An OBD inspection shall also be conducted in accordance with N.J.A.C. 7:27-14.5 and 7:27-4.8 on all OBD equipped and OBD eligible diesel-fueled vehicles with model years 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 [School] 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 buses with model years 1996 and later having a GVWR of 8,500 pounds or less. 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) (No change.)

(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 [with model years 1980 and earlier, all gasoline-fueled and bi-fueled motor vehicles having a GVWR greater than 8,500 pounds,] 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) A smoke opacity test shall be conducted in accordance with N.J.A.C. 7:27B-4.3 on all diesel powered motor vehicles with a GVWR greater than 17,999 pounds unless it is such a motor vehicle originally manufactured with a particular design characteristic that makes it either impractical or hazardous to conduct a smoke opacity test on, as shall be determined in the discretion of Chief Administrator.

[d)] **(e)** A fuel cap leak test 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.

Recodify existing (e)-(g) as **(f)-(h)** (No change in text.)

[h)] **(i)** A motor vehicle [safety equipment] 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 shall be subject to inspection:

1.-17. (No change.)

[i)] **(j)** Each motor vehicle inspection conducted 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.

13:20-43.11 Inspection certificates of approval; inspection rejection stickers

(a) An inspection certificate of approval shall be issued for New Jersey registered motor vehicles that meet safety and emission or OBD standards. The inspection certificate of approval issued for motor vehicles [other than motorcycles] shall be affixed in accordance with N.J.A.C. 13:20-32.2(d) or 33.2(k), whichever is applicable, to the lower left corner of the windshield inside the passenger compartment of the motor vehicle.

(b) An inspection rejection sticker shall be issued by an official inspection facility for New Jersey registered motor vehicles [other than motorcycles] that fail to meet safety and/or emission or OBD standards. The inspection rejection sticker shall be affixed by an official inspection facility in accordance with N.J.A.C. 13:20-32.2(e) or, if applicable, N.J.A.C. 13:20-32.2(f), to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. A licensed private inspection facility shall denote that a New Jersey registered motor vehicle [other than a motorcycle] has failed to meet safety and/or emission or OBD standards by defacing the inspection certificate of approval or inspection decal affixed to the motor vehicle, if any, in accordance with N.J.A.C. 13:20-33.2(l), except as otherwise provided at N.J.A.C. 13:20-33.2(m). The owner or lessee of a motor vehicle that has failed inspection shall have the necessary repairs made and shall present the motor vehicle for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5, 7.6(a), or 43.14(g), whichever is applicable.

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 fuel cap leak test, if applicable, an inspection for the presence and integrity of the motor vehicle's catalytic converter, an examination of the driver's license, motor vehicle registration certificate, and insurance identification card, and such other tests as may be determined by the Chief Administrator.

(c)-(d) (No change.)

(e) The Motor Vehicle Commission shall use the following criteria in determining which motor vehicles shall be subjected to on-road inspection:

1.-4. (No change.)

5. Motor vehicles without a registration plate(s) [and/or registration plate decal(s), if issued by the Commission];

[6. Motor vehicles with an expired registration plate decal(s), if issued by the Commission];

[7.] 6. (No change in text.)

[8.] 7. Motor vehicles that correspond to a predetermined numerical sequence established by Commission supervisory personnel for subjecting motor vehicles to on-road inspection (for example, every fifth motor vehicle, every [tenth] 10th motor vehicle, etc.).

(f)-(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; conditional registration restoration; reinstatement of registration suspension due to noncompliance; conditional registration; suspension of conditional registration due to noncompliance; penalties

(a) Except as otherwise provided in this section, the Motor Vehicle Commission shall deny the issuance or renewal of the registration of a motor vehicle[, other than a motorcycle,] and shall suspend the registration of a motor vehicle[, other than a motorcycle,] if the owner or lessee has not presented the motor vehicle for inspection prior to the expiration of the certificate of approval or inspection decal issued for the motor vehicle. The Motor Vehicle Commission shall mail a notice of scheduled registration suspension to the owner or lessee of a motor vehicle whenever a motor vehicle has not been presented for inspection prior to the expiration of the certificate of approval or inspection decal issued for the motor vehicle. The notice of scheduled registration suspension shall inform the owner or lessee that the motor vehicle must be presented for inspection within 30 days from the date of the notice of scheduled registration suspension and that the owner's or lessee's failure to present the motor vehicle for inspection shall cause the registration of the motor vehicle to be suspended. The Motor Vehicle Commission shall mail an order of registration suspension to the owner or lessee if the owner or lessee fails to present the motor vehicle for inspection in accordance with the notice of scheduled registration suspension. The Motor Vehicle Commission shall not suspend a motor vehicle registration

pursuant to this subsection if the owner or lessee complies with either of the following requirements:

1.-2. (No change.)

(b) Except as otherwise provided in this section, the Motor Vehicle Commission shall deny or suspend the registration of a motor vehicle[, other than a motorcycle,] if the owner or lessee has not presented the motor vehicle for reinspection prior to the expiration of the inspection rejection sticker or other indication of inspection rejection issued for the motor vehicle after failure of inspection. The Motor Vehicle Commission shall mail a notice of scheduled registration suspension to the owner or lessee of a motor vehicle whenever a motor vehicle has not been presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5, 7.6(a), or 43.14(g), whichever is applicable. The notice of scheduled registration suspension shall inform the owner or lessee that the motor vehicle must be presented for reinspection within 30 days from the date of the notice of scheduled registration suspension and that the owner's or lessee's failure to present the motor vehicle for reinspection shall cause the registration of the motor vehicle to be suspended. The Motor Vehicle Commission shall mail an order of registration suspension to the owner or lessee if the owner or lessee fails to present the motor vehicle for reinspection in accordance with the notice of scheduled registration suspension. The Motor Vehicle Commission shall not suspend a motor vehicle registration pursuant to this subsection if the owner or lessee complies with either of the following requirements:

1.-2. (No change.)

(c)-(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 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 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.

"Class III" means a licensed privately owned and operated inspection facility equipped with 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.

"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 testing 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.

...

"Diesel bus" means a diesel bus as defined pursuant to section 2 of P.L. 1995, c. 157 (N.J.S.A. 39:8-60), except that "diesel bus" shall include only diesel buses with a gross vehicle weight rating in excess of 14,000 pounds, and shall not include school buses or buses under

the inspection jurisdiction of the Commission's Inspection Services Bus Unit.

"Driving school vehicle" means any vehicle owned or leased by a licensed Motor Vehicle Commission driving school used to provide driver training and testing to school clients.

...

"Electric vehicle" means any vehicle powered solely by electric without an on-board engine or generator, and that does not use a hydrocarbon fuel to create electric. These vehicles include plug-in electric, but not plug-in hybrid electric, or solar powered vehicles.

...

"Fleet endorsement" means designated by an endorsement to perform inspection on fleets of 10 or more vehicles. Fleet endorsement can apply to a private inspection facility regardless of class.

...

"Heavy-duty diesel truck" means any diesel-powered motor vehicle, whether registered in this State or elsewhere, with a GVWR of 18,000 or more pounds that is designed or used for the transporting of property on any public road, street, or highway or any public or quasi-public property in this State. Heavy-duty diesel truck shall not mean a heavy-duty diesel truck owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization and used for first aid, emergency, ambulance, rescue, or fire-fighting purposes.

...

"Passenger motor vehicle inspection" means the biennial (every two years) inspection of all OBD-eligible vehicles and all gasoline-powered vehicles.

...

"Regulated solid waste vehicle" means any diesel solid waste vehicle registered in this State that is owned by the State, a county, a municipality, or a political subdivision, or that is owned by a person who has entered into a contract in effect on or after the effective date of P.L. 2005, c. 219 (N.J.S.A. 26:2C-8.26 et seq.), with the State, a county, a municipality, or a political subdivision, to provide solid waste services.

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, 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 or greater than 17,999 pounds, [motorcycles,] 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; provided, however, private inspection facilities shall not inspect school buses, buses which are subject to inspection by the Motor Vehicle Commission's [Commercial Bus] Inspection [and Investigation] **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, [and] Class II, **Class IV, and Class V** licensed private inspection facilities shall provide inspection, reinspection, and certification services in all **commercial** motor vehicle inspection categories, other than motorcycle inspection categories, established by the Motor Vehicle Commission, including the following inspection categories:

1.-9. (No change.)

(e) Class [I-A and Class II-A] **I, Class II, Class IV, and Class V** licensed private inspection facilities shall provide inspection, reinspection, 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 vehicle inspection in accordance with N.J.S.A. 39:8-1 and established by the Motor Vehicle Commission, including [the following inspection categories:] credentials and on-board diagnostics.**

- [1. Credentials;
2. On-board diagnostics;
3. Brake system;
4. Exhaust system;
5. Steering, suspension, tires and wheels;
6. Glass (windshield, windows);
7. Electrical (all switches, signals, wipers, lenses and lights, including headlights); and
8. Miscellaneous (any inspection item not in other categories).]

(f) Class [III] **II and Class V** licensed private inspection facilities shall provide inspection, reinspection, and certification services in [all motorcycle] **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 [the following inspection categories:] credentials and engine emissions.**

- [1. Credentials;
2. Brake system;
3. Exhaust system;
4. Steering, suspension, tires, and wheels;
5. Glazing (windscreen);
6. Electrical (all switches, signals, wipers, lenses, and lights, including headlights); and
7. Miscellaneous (any inspection item not in other categories).]

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

[g] (h) 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.

[h] (i) Private inspection facilities [shall be licensed in the following classes:] **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. Class [I-A] **I, Class II, Class IV, and Class V** licenses 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.

3. **Class I, Class II, Class IV, and Class V with a fleet endorsement** licenses 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 pounds[.]; buses that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission[.]; taxicabs[.]; limousines; or jitneys to engage in the inspection and certification of such motor vehicles.

[4. Class II-A licenses shall be issued to owners or lessees of fleets of 10 or more 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 or limousines to engage in the inspection and certification of such motor vehicles.

5. Class III licenses shall be issued to private inspection facilities to engage in the inspection and certification of motorcycles.]

(j) Private inspection facilities can perform offsite vehicle inspections. The criteria to perform offsite inspections are as follows, the private inspection facility:

1. Must have designated test equipment for offsite inspections;
2. Can only inspect fleets of 10 or more vehicles;
3. Inspections cannot be performed in residential areas;
4. Must maintain a file of written agreements for contracted fleets.
 - i. The written agreement allows the private inspection facility to perform inspections at the fleet's location; and
 - ii. The fleet owner must grant the State access to the location at the time of inspection, permitting the State to audit the mobile inspection. The "State" as used in this subparagraph includes the Motor Vehicle Commission, the Department of Environmental Protection, the State Police, the Division of Consumer Affairs, the Division of Taxation and other State entities;
5. Must schedule inspections, and a list of all vehicles being inspected, must be transmitted to the Private Inspection Facility Regional Office two weeks in advance. This list must contain the license plate number and the last four digits of the vehicle identification number for each vehicle being inspected; and
6. At the time of an offsite inspection, inspectors shall have the following materials with them:
 - i. All inspection certificates of approval assigned to the private inspection facilities;
 - ii. The private inspection facility's logo displayed;
 - iii. Acknowledgements and private inspection facility stamps.
 - (1) All records dating back to the last monthly audit;
 - (2) Copy of the private inspection facility license; and
 - (3) Copy of the table "A" rate chart;
 - iv. All inspections shall be recorded on Motor Vehicle Commission approved forms at the time of the inspection. All paperwork required by the Motor Vehicle Commission must be completed at the time of inspection. This includes invoicing/billing.
 - v. The private inspection facility may charge a travel fee, which must be stated separately on all copies of the invoices. The travel fee is subject to New Jersey State Sales Tax.

[(i)] (k) (No change in text.)

(l) Private inspection facilities may inspect heavy-duty diesel trucks, diesel-powered motor vehicles, diesel buses, and regulated diesel solid waste vehicles to verify the installation of a best available retrofit technology device(s) on such diesel vehicles. Verification of the installation shall be provided by private inspection facilities on the compliance form issued by the Department of Environmental Protection for the vehicle pursuant to N.J.S.A. 26:2C-8.31, 8.32, 8.41, or 8.42. The inspection shall be performed in accordance with the procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14.5(e) and 32.21 and 7:27B-4.4(c). Compliance with the requirements of this subsection shall mean that the heavy-duty diesel truck, diesel-powered motor vehicle, diesel bus, or regulated diesel solid waste vehicle has been inspected by the private inspection facility and that such center has confirmed and verified that the retrofit device(s) has been installed on such diesel vehicle.

13:20-44.4 Initial application for a license

(a) Any person seeking to engage in the business of a private inspection facility shall apply, in accordance with the provisions of this subchapter, to the Chief Administrator for a license authorizing him or her to engage in such business. An application for a private inspection facility license may be obtained from the Private Inspection Facility Licensing Unit of the Motor Vehicle Commission **website at www.njmvc.gov/pif**. The address of the Private Inspection Facility Licensing Unit is:

Motor Vehicle Commission

Business License Services
Private Inspection Facility Licensing Unit
225 East State Street
PO Box 170
Trenton, New Jersey 08666-0170

(b)-(f) (No change.)

(g) If there are multiple locations for private inspection facilities owned by the same applicant, a separate application, [accompanying documents, and application and license fee as specified in N.J.A.C. 13:20-44.6 shall be submitted for each such place of business.] **and proof of permits or other authorization from the appropriate Federal, State, or other governmental agencies authorizing operation of the business or any equipment, service, or process on the premise shall be submitted for each. These permits shall include, but are not limited to, proof of registration with the New Jersey Division of Taxation and the Department of Environmental Protection. An application shall include the following and shall be updated if there is a change in the ownership or corporation structure:**

1. Business name;
2. License number;
3. Owner name;
4. Owner phone number;
5. Address of multiple location; and
6. Multiple location phone number.

[(h) Upon preliminary approval of each initial license application, a license shall be issued to the private inspection facility. Each initial license issued to a private inspection facility on or after June 29, 1995 shall be effective on the date of issuance and shall continue in force and effect until June 30, 2000, and shall, thereafter, be renewed on an annual basis, unless such license is suspended or revoked by the Chief Administrator. If there are multiple places of business for a private inspection facility, a separate license shall be issued for each such place of business.]

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

[(j) All private inspection facilities that apply to renew a private inspection facility license on or after June 29, 1995 must satisfy all of the requirements of (c)5 above. A private inspection facility whose license has been suspended by the Chief Administrator and which applies for reinstatement on or after June 29, 1995 must satisfy the requirements of (c)5 above prior to restoration of the license.]

[(k)] (i) The Motor Vehicle Commission shall not issue a private inspection facility license to an applicant who is the holder of a private inspection [center] facility license while any type of enforcement action, either judicial or administrative, is pending or in force against the applicant's private inspection [center] facility license.

13:20-44.6 Application and license fees

(a) Each initial application for a private inspection facility license shall be accompanied by a nonrefundable application fee of \$20.00 payable to the Motor Vehicle Commission. [In the event that an initial applicant simultaneously submits applications for a Class I and Class III private inspection facility license or for a Class I-A and Class III private inspection facility license, only one application fee shall be payable to the Motor Vehicle Commission pursuant to this subsection.]

(b) Each initial or renewal application for a [Class I, Class I-A, Class II or Class II-A] private inspection facility license shall be accompanied by a license fee of \$250.00 payable to the Motor Vehicle Commission. Such license fee shall be returned to the applicant only in the event that the Chief Administrator refuses to grant or renew a private inspection facility license. Such license fee, or any portion thereof, shall not be refunded to the licensee in the event that the private inspection facility license is suspended or revoked pursuant to N.J.S.A. 39:8-1 et seq. or this subchapter, or if the licensee voluntarily surrenders the license at any time during the license period.

[(c) Each initial or renewal application for a Class III private inspection facility license shall be accompanied by a license fee of \$50.00 payable to the Motor Vehicle Commission. Such license fee shall be returned to the applicant only in the event that the Chief Administrator refuses to grant or renew a private inspection facility license. Such license fee, or any portion thereof, shall not be refunded to the licensee in

the event that the private inspection facility license is suspended or revoked pursuant to N.J.S.A. 39:8-1 et seq. or this subchapter, or if the licensee voluntarily surrenders the license at any time during the license period.]

13:20-44.7 License renewals

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

(c) Upon approval of each renewal application, a license shall be issued to the private inspection facility. Each renewal license issued to a private inspection facility effective on [or after July 1 of any year] **the date of entry into the program**, shall continue in force and effect [until June 30 of the following year] **two years from last day of the month of entry into the program**, unless such license is suspended or revoked by the Chief Administrator.

13:20-44.9 Facilities and equipment

(a) 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 that perform inspections, reinspections, and certifications exclusively at the business locations of owners or lessees of fleet motor vehicles [and Class III licensed private inspection facilities] may be exempted from the provisions of this subsection.

(b) Motor vehicle emission testing equipment, approved by the Department of Environmental Protection, shall be owned or leased by a [Class I, Class I-A, Class II and Class II-A] licensed private inspection facility and shall be located on the business premises of the facility.

(c) A vehicle lift or heavy-duty floor jack shall be available on the business premises of a [Class I, Class I-A, Class II and Class II-A] licensed private inspection facility.

(d)-(e) (No change.)

13:20-44.10 Inspection certificates of approval

(a)-(f) (No change.)

(g) A [Class I or Class II] licensed private inspection facility shall not certify the emissions or on-board diagnostics of any motor vehicle, [and a Class I-A or Class II-A licensed private inspection facility shall not certify the on-board diagnostics of any motor vehicle,] unless an emission inspector licensed by the Motor Vehicle Commission in accordance with Chapter 8 of Title 39 of the Revised Statutes and N.J.A.C. 13:20-43.17 has personally performed the emission or OBD inspection or reinspection and has determined that the motor vehicle meets the inspection standards adopted by the Motor Vehicle Commission at N.J.A.C. 13:20-43.8 and/or 33.21 and 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 or Class II] licensed private inspection facility shall not certify the emissions or on-board diagnostics of any motor vehicle that has been rejected because of an emission test or OBD inspection failure, [and a Class I-A or Class II-A licensed private inspection facility shall not certify the on-board diagnostics of any motor vehicle that has been rejected because of an OBD inspection failure,] unless a certified emission repair technician or the owner or lessee of the motor vehicle has performed the emission-related or OBD-related repairs.

(h)-(m) (No change.)

(n) **A diesel emission inspection certificate of approval shall be issued for heavy-duty diesel trucks and diesel buses that meet emission standards adopted by the Department of Environmental Protection at N.J.A.C. 7:27-14. The diesel emission inspection certificate of approval shall be affixed to the lower right corner of the windshield inside the passenger compartment of the diesel vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the right side of the windshield, but in every case, the diesel emission inspection certificate of approval shall be completely visible from the front of the diesel vehicle. The diesel emission inspection certificate of approval shall be affixed in an upright position. A diesel emission inspection certificate of approval shall be affixed to a diesel vehicle immediately upon inspection approval. The diesel emission inspection certificate of approval shall be valid for one year.**

13:20-44.12 Notice and recordkeeping requirements

(a) Each licensee[, except a Class II or Class II-A licensed private inspection facility,] shall display an outdoor sign that shall read: "Official New Jersey Private Inspection Facility." The sign shall include the license number of the private inspection facility. The sign shall contain letters at least two inches high with a stroke of approximately one-half inch, be visible from the road and be located in a conspicuous location for the general public to see. If zoning ordinances prohibit the posting of such sign or such posting is otherwise impractical, the licensee shall prominently display such sign on the exterior of the private inspection facility.

(b)-(j) (No change.)

13:20-44.13 Records; inspection reports

(a) A licensee shall maintain copies of motor vehicle inspection reports [and motorcycle inspection cards] in an order corresponding to the date on which the inspection certificate of approval was issued.

(b) (No change.)

(c) A licensee shall record the repair order and invoice number or numbers on the motor vehicle inspection report [or motorcycle inspection card].

(d)-(f) (No change.)

13:20-44.14 Certification of inspection

(a) Each [Class I or Class II] licensed private inspection facility shall have the authority to perform inspections in all motor vehicle inspection categories established by the Motor Vehicle Commission and to certify that specific items for which a motor vehicle was rejected at inspection have been corrected so that the motor vehicle is in proper operating condition and that it conforms to the inspection standards adopted by the Motor Vehicle Commission at N.J.A.C. 13:20-33 and 43 and 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.

(b) Each [Class I-A or Class II-A] licensed private inspection facility shall have the authority to perform inspections in motor vehicle inspection categories established by the Motor Vehicle Commission, other than the engine emissions inspection category, and to certify that specific items for which a motor vehicle was rejected at inspection, other than a rejection for engine emissions, have been corrected, so that the OBD-equipped and OBD-eligible motor vehicle is in proper operating condition and that it conforms to the inspection standards adopted by the Motor Vehicle Commission at N.J.A.C. 13:20-33 and 43 and 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.

(c) Each Class III licensed private inspection facility shall have the authority to perform inspections in all motorcycle inspection categories established by the Motor Vehicle Commission and to certify that specific items for which a motorcycle was rejected at inspection have been corrected so that the motorcycle is in proper operating condition.]

[(d)] (e) A [Class I, Class I-A, Class II or Class II-A] licensed private inspection facility shall not certify that items for which a motor vehicle was rejected at inspection have been corrected unless the licensee, or a licensed emission inspector or mechanic acting as an employee or agent of the licensee, has inspected the motor vehicle in accordance with N.J.A.C. 13:20-33 and has determined that all defects detected at inspection have been corrected, so that the motor vehicle is in proper operating condition and that it conforms to the inspection standards adopted by the Motor Vehicle Commission at N.J.A.C. 13:20-33 and 43 and 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.

[(e)] A Class III licensed private inspection facility shall not certify that items for which a motorcycle was rejected at inspection have been corrected unless the licensee has inspected the motorcycle and has determined that all defects detected at inspection have been corrected so that the motorcycle is in proper operating condition and that it conforms to the inspection standards adopted by the Motor Vehicle Commission at N.J.A.C. 13:20-33.]

[(f)] (d) Certification shall be evidenced by the affixation of a certificate of approval on a motor vehicle as specified in N.J.A.C. 13:20-43.11(a) and 33.2(k)[, or by the affixation of a certificate of approval on a motorcycle as specified in N.J.A.C. 13:20-33.2(n)].

[g)] (e) Certification of a motor vehicle by a [Class I, Class I-A, Class II or Class II-A] licensed private inspection facility or an employee thereof shall constitute the licensee's representation that the licensee, or a licensed emission inspector or mechanic, has inspected the motor vehicle in accordance with N.J.A.C. 13:20-33 and has determined that the motor vehicle is in proper operating condition and conforms to the inspection standards adopted by the Motor Vehicle Commission at N.J.A.C. 13:20-33 and 43 and 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.

[h) Certification of a motorcycle by a Class III licensed private inspection facility or an employee thereof shall constitute the licensee's representation that the licensee has inspected the motorcycle and has determined that the motorcycle is in proper operating condition and conforms to the inspection standards adopted by the Motor Vehicle Commission at N.J.A.C. 13:20-33.]

[i)] (f) The fee [which] that a licensee may charge the consumer for affixing a certificate of approval shall not exceed \$2.50.

Recodify existing (j)-(k) as (g)-(h) (No change in text.)

13:20-44.18 Emission inspector

A [Class I, Class I-A, Class II and Class II-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.

SUBCHAPTER 47. AND 48. (RESERVED)

(a)

MOTOR VEHICLE COMMISSION

Licensing Service

Proposed Readoption with Amendments: N.J.A.C. 13:21

Proposed New Rules: N.J.A.C. 13:21-5.14 and 24.11

Authorized By: Motor Vehicle Commission, Raymond P. Martinez, Chairman, and Chief Administrator and, as to N.J.A.C. 13:21-19, the Motor Vehicle Franchise Committee, Raymond P. Martinez, Chairman.

Authority: N.J.S.A. 2A:17-56.51, 2A:17-56.59, 2A:17-56.60, 17:33B-45, 39:2-3, 39:2-3.8, 39:3-4, 39:3-4c, 39:3-5, 39:3-5.1, 39:3-8, 39:3-10, 39:3-10.1, 39:3-10.17a, 39:3-10.20, 39:3-10.27, 39:3-10.29, 39:3-10a, 39:3-11.1, 39:3-13, 39:3-13a, 39:3-13.1, 39:3-15.1, 39:3-20, 39:3-24, 39:3-26.1, 39:3-29.9, 39:3-30, 39:3-33, 39:3-36, 39:3-43, 39:3-84, 39:3C-1 et seq., 39:4-56.5, 39:5-30, 39:5-32, 39:10-2, 39:10-4, 39:10-6, 39:10-9, 39:10-19, 39:10-20, 39:10-37, 39:10A-6, 39:10A-15, 39:13-7, and 56:10-25; and 42 U.S.C. § 405(c)(2)(C).

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

Proposal Number: PRN 2013-062.

Submit comments by June 14, 2013 to:

Kate Tasch, Administrative Practice Officer
Regulatory and Legislative Affairs
Motor Vehicle Commission
225 East State Street
P.O. Box 162
Trenton, New Jersey 08666-0162

The agency proposal follows:

Summary

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

The Motor Vehicle Commission (the Commission) proposes to readopt with amendments the provisions of N.J.A.C. 13:21, Licensing Service, in accordance with N.J.S.A. 52:14B-5.1 and the "sunset" and

other provisions of Executive Order No. 66 (1978). Pursuant to N.J.S.A. 52:14B-5.1.c(2), these rules expire on December 5, 2013. The Commission has reviewed these rules pursuant to the Executive Order and has found them to be necessary and required for the purpose for which they were promulgated.

N.J.A.C. 13:21 contains 24 subchapters that are briefly summarized below, together with proposed changes, additions, and deletions to various rules contained therein.

Subchapter 1 sets forth rules pertaining to the use of a person's legal name on motor vehicle documents and proof of legal name. The subchapter also contains provisions pertaining to the mandatory submission of Social Security numbers by applicants for driving permits, driver licenses, commercial driver licenses, and motor vehicle registrations; the restricted use of such Social Security numbers; and the fact that such Social Security numbers are not public records and are not accessible for public examination pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

Subchapter 2 sets forth rules regarding the Commission's interpretation of statutory language contained in N.J.S.A. 39:3-13 (examination permits) and 39:10-2 (nonconventional type motor vehicles). Included in this subchapter are provisions that explain the basis for the Commission's statutory language interpretation; define the term "accompanied" with regard to motor vehicles and motorcycles; and pertain to nonconventional type motor vehicles.

Subchapter 3 is reserved.

Subchapter 4 sets forth rules pertaining to motor vehicle titles. The rules implement provisions of the Motor Vehicle Certificate of Ownership Law, N.J.S.A. 39:10-1 et seq., pertaining to certificates of origin and certificates of ownership. Included in this subchapter are provisions concerning the model year designation on certificates of origin; modification of the model year designation; and application for certificates of ownership for homemade vehicles.

Subchapter 5 sets forth rules pertaining to motor vehicle registrations and is primarily concerned with that subject, although it also touches upon the titling of motor vehicles. The provisions of this subchapter are intended to implement various provisions of the Motor Vehicle and Traffic Law (including N.J.S.A. 39:3-4, 39:3-5.1, 39:3-8, 39:3-30, 39:3-33, and 39:10-1 et seq.) regarding motor vehicle registration and titling. Included in this subchapter are rules pertaining to determination and certification of vehicle weight class; registration fees; registration of flood-damaged vehicles; notification of flood damage; recordation of vehicle mileage at time of change of vehicle ownership; surrender of registration plates; Commission refusal to issue vehicle registration if the applicant fails to furnish proof that the Federal Heavy Vehicle Use Tax has been paid; and nonresident temporary registrations issued by motor vehicle agencies.

N.J.A.C. 13:21-5.13, Nonresident temporary registrations issued by motor vehicle agencies, is proposed for amendment. A proposed amendment to subsection (b) brings the rule into compliance with a statutory amendment to N.J.S.A. 39:10-9 that indicates that a licensed New Jersey motor vehicle dealer is not required to deliver an assignment or certificate of ownership at the time of sale if the dealer has satisfied all liens that are noted on the certificate of ownership (title) and has the right to title at the time of sale. The dealer is required to put this information in writing and provide it to the buyer at the time of sale. The proposed amendment to subsection (e) requires copies of proofs to be retained by the motor vehicle agencies for vehicles that are subject to the Federal Heavy Vehicle Use Tax.

Recodified subsection (j) is proposed for amendment to acknowledge the fact that the Motor Vehicle Commission no longer utilizes a manual system where agency employees must write information on paper temporary registration tags. Agency employees now enter information electronically and print the temporary registration electronically. The information that is required to be on the temporary registration is essentially the same as before with two exceptions. Under the manual system, the registrant's address did not appear on the original temporary registration but it did appear on the copies because the original temporary registration was placed in the rear window. Under the electronic system, a temporary vehicle registration will be issued and it will contain the registrant's address. Under the electronic system, the temporary