

Regulatory Flexibility Statement

This rulemaking will not impose any recordkeeping, reporting, or other compliance requirements on small businesses. A small business, as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., is a business that has fewer than 100 full-time employees. Regarding businesses that qualify as small businesses pursuant to the Regulatory Flexibility Act, the SuSI Program is a voluntary program and, as such, will not impose any requirements on any small business that chooses not to voluntarily participate in the program.

Housing Affordability Impact Analysis

This rulemaking will not impact the affordability of housing in New Jersey, nor will it have an impact on the average cost of housing. This rulemaking only addresses a grid supply solar energy program and will not directly affect housing prices or the housing market.

Smart Growth Development Impact Analysis

This rulemaking will not impact smart growth development in New Jersey. This rulemaking will not evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey. The scope of the rulemaking is limited to establishing a new competitive procurement program for solar in New Jersey.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The rulemaking will not have an impact on pretrial, detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the reproposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 11. SUCCESSOR SOLAR INCENTIVE PROGRAM

14:8-11.5 Successor Solar Incentive Program Registration Process

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

(d) The registrant shall meet minimum facility maturity standards according to the ADI or CSI Program conditions and provide all required documentation as part of its initial registration package.

1. (No change.)

2. For the CSI program, the registrant shall supply the following and any other information the Board, or its designee, may deem necessary to confirm eligibility for the program:

i.-iii. (No change.)

iv. [(Reserved)] **Evidence of filed applications or approvals for all discretionary land use approvals and entitlements applicable to the project, such as municipal zoning permit or municipal site plan approval, county site plan approval, soil conservation district approval, and Pinelands Commission or Highlands Commission approval, with a list of all land use permits to be applied for;**

v.-viii. (No change.)

3. (No change.)

(e)-(l) (No change.)

14:8-11.10 Competitive solar incentive solicitation design

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

(j) [(Reserved)] **The Board may establish, by Board Order, confidential, pre-determined price caps based on assessments of market conditions for any, or all, tranches prior to the solicitation. If the Board establishes confidential price caps, the Board may:**

1. **Revise confidential price caps by Board Order, based on an updated assessment of relevant parameters, including cost of capital, revenue expectations, and net installation and operational costs as specified in the Board Order establishing the caps;**

2. **Elect to award bids that do not exceed the price caps by more than 10 percent;**

3. **Adjust the number of megawatts awarded in a tranche, if bid prices are above or below any confidential price caps established for the solicitation; and/or**

4. **Reject bids above the confidential price cap, where the Board determines that the bid prices are not competitive and/or are not fiscally responsible, regardless of whether the targeted number of megawatts in that tranche or tranches have been met.**

(k)-(l) (No change.)

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION**Enhanced Motor Vehicle Inspection and Maintenance Program**

Proposed Amendments: N.J.A.C. 13:20-7.1, 7.2, 26.2, 26.3, 26.11, 32.1, 32.20, 32.21, 33.1, 33.21, 33.22, 43.1 through 43.8, 43.14, 43.17, 43.21, 44.2, 44.3, 44.4, 44.17, 45.3, 45.4, 45.14, and 45.16

Authorized By: Motor Vehicle Commission, Latrecia Littles-Floyd, Acting Chair and Chief Administrator.

Authority: N.J.S.A. 39:2A-21, 39:2A-28, 39:8-1, 39:8-2, 39:8-10, 39:8-57, 39:8-60, and 39:8-77.

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

Proposal Number: PRN 2024-117.

Submit written comments by December 6, 2024, to:

Emily Armstrong, APO
Attn: Legal Affairs
Motor Vehicle Commission
225 East State Street
PO Box 162
Trenton, NJ 08666-0162
or through email to: MVC.rulecomments@mvc.nj.gov

The agency proposal follows:

Summary

The Motor Vehicle Commission (Commission) proposes amendments to existing rules pertaining to the Enhanced Motor Vehicle Inspection and Maintenance (I/M) Program established by the State in accordance with the Federal Clean Air Act, 42 U.S.C. §§ 7401 through 7671, and the New Jersey Federal Clean Air Mandate Compliance Act, N.J.S.A. 39:8-41 through 58.

The Federal Clean Air Act grants authority to the United States Environmental Protection Agency (EPA) to require certain metropolitan areas having serious or extreme levels of carbon monoxide or ozone to implement a vehicle inspection and maintenance program. The Commission and the New Jersey Department of Environmental Protection (NJDEP) partnered to create the I/M Program to implement, and ensure compliance with, the Federal Clean Air Act and the New Jersey Federal Clean Air Mandate Compliance Act.

The Commission now proposes amendments to its inspection rules to conform its rules to recent amendments by the NJDEP to its rules pertaining to the inspection of diesel-powered motor vehicles, effective May 15, 2023. The NJDEP amended its rules, at N.J.A.C. 7:27-14.1 and 14.5, to include emission inspections of diesel-powered motor vehicles with a gross vehicle weight rating (GVWR) of 8,501 through 17,999 pounds, to be performed at an official State inspection facility operated by the Commission (CIF) or at a licensed private inspection facility (PIF). See 54 N.J.R. 2007(a); 55 N.J.R. 1005(b).

This class of vehicles was previously subject to self-inspection pursuant to N.J.A.C. 13:20-26. The emission tests and procedures applicable to diesel-powered motor vehicles pursuant to the Commission's self-inspection program are limited to the following non-instrumented tests: a visible smoke test, an indicator light check, a visual fuel leak test, and an emission control apparatus examination. In comparison, vehicles having a GVWR greater than or equal to 18,000 pounds are subject to instrumented tests and are required to undergo a smoke opacity test or an on-board diagnostics (OBD) inspection (if eligible) annually at a PIF, as part of the Commission's periodic inspection program. Both the smoke opacity test and OBD inspection are performed by a licensed and properly trained emission inspector using

NJDEP-approved specialized instruments and software. The NJDEP has found that requiring such instrumented testing by licensed inspectors ensures that vehicle conditions resulting in excess emissions are properly identified and remedied, because excess emissions cannot be properly identified during a self-inspection without the proper testing equipment. Therefore, the NJDEP's amended rules ensure that all diesel-powered motor vehicles having a GVWR greater than or equal to 8,501 pounds are subject to the same emission tests and procedures using testing equipment approved by the NJDEP.

The Commission's proposed amendments are necessary to ensure consistency with the NJDEP's recent regulatory amendments concerning this class of diesel-powered motor vehicles. With the adoption of the Commission's amended rules, those previously self-inspected diesel-powered motor vehicles will be required to undergo emission testing at a CIF or PIF and will no longer be permitted to self-inspect for emissions.

The Commission's proposed amendments also include minor updates to outdated terms or processes, and clarification of existing procedures, which do not involve substantive changes to the I/M Program.

Subchapter 7, Vehicle Inspection, establishes the frequency of inspection for each vehicle class, and the inspection location for that class of vehicle. Subchapter 7 also prohibits CIFs from performing inspections on certain types of vehicles.

N.J.A.C. 13:20-7.1, Definitions, is proposed for amendment to define "diesel-powered motor vehicles," to make it clear which vehicles are now subject to emission inspections at a CIF or PIF, and to conform to the NJDEP's rulemaking regarding these vehicles. The Commission also proposes to define "tampering," to clarify the prohibited activities whenever the term "tampering" is used.

N.J.A.C. 13:20-7.2, Inspection of motor vehicles; test frequency; exempt vehicles, is proposed for amendment to include the requirement that all diesel-powered motor vehicles are subject to emission inspection on an annual basis. The non-emission-related equipment inspection of diesel-powered motor vehicles remains subject to the self-inspection requirements at N.J.A.C. 13:20-26. N.J.A.C. 13:20-7.2 is also proposed for amendment to remove diesel-powered motor vehicles from the self-inspect list and to clarify which vehicles remain subject to self-inspection for emissions and equipment. Additionally, N.J.A.C. 13:20-7.2 is proposed for amendment for clarity, to update references to defined terms and address clerical errors.

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 at a licensed inspection facility authorized to perform diesel emission inspections. This subchapter also establishes a system for periodic self-inspection and maintenance for trucks having a GVWR of 10,000 pounds or more, truck-tractors, trailers, semitrailers, pole-trailers, and vehicles registered in New Jersey that engage in interstate commerce and that are subject to regulation and license by the Interstate Commerce Commission or its successor agency and/or the Federal Highway Administration. The equipment required to be inspected and maintained, every three months, includes brake lines and linings, drive lines, coupling devices, tires, wheels, flaps, springs, emergency devices, fuel system, cooling system, lights, reflectors, horns, mirrors, transmission, steering mechanism, axles, tie rod assemblies, clutch, exhaust system, exhaust emissions, glazing, and wipers.

N.J.A.C. 13:20-26.2, Definitions, is proposed for amendment to update the definition for "diesel bus," to make it clear that all diesel buses remain subject to the same emission inspection tests and procedures as diesel-powered motor vehicles.

N.J.A.C. 13:20-26.3, Inspection and maintenance, is proposed for amendment to clarify that all vehicles are subject to the inspection and maintenance standards set forth in the Federal Motor Vehicle Safety Standards and the Federal Motor Carrier Safety Regulations.

N.J.A.C. 13:20-26.11, Required inspection and maintenance, is proposed for amendment to conform to the Commission's rules to the NJDEP's recent rulemaking by removing the ability to self-inspect exhaust emissions, as all diesel-powered motor vehicles will be required to undergo an annual smoke opacity test or an OBD inspection (if eligible)

at a CIF or PIF. The proposed amendment clarifies that diesel-powered motor vehicles will no longer be able to self-inspect for emission items, but they remain subject to self-inspection for exhaust system equipment, which is limited to four visual tests, including a visual examination to identify tampering. The section is further proposed for amendment to remove the cross-reference to N.J.A.C. 7:27-14.4 and to update the cross-reference to N.J.A.C. 7:27-14.5, as the section applies to all diesel-powered motor vehicles and the applicable inspection testing.

Subchapter 32, Inspection Standards and Test Procedures to be Used by Official Inspection Facilities, sets forth the inspection standards and test procedures to be used by CIFs.

N.J.A.C. 13:20-32.1, Definitions, is proposed for amendment to define "diesel-powered motor vehicles" to make clear which vehicles are now subject to emission inspections, and to conform to the NJDEP's rulemaking regarding these vehicles. The Commission also proposes to define "tampering" to clarify the prohibited activities whenever the term "tampering" is used.

N.J.A.C. 13:20-32.20, Vehicle inspection: exhaust system requirements, all vehicles; vehicle inspection at official inspection facilities, is proposed for amendment to add a cross-reference to N.J.A.C. 7:27-14.3, which section applies to diesel-powered motor vehicles, as those vehicles will now be inspected at CIFs or PIFs.

At N.J.A.C. 13:20-32.21, Vehicle inspection: visible smoke and on-board diagnostics test(s) requirements, all vehicles; vehicle inspection at official inspection facilities, subsection (b) is proposed for amendment to clarify that CIFs are required to conduct a visual fuel leak test on all diesel-fueled motor vehicles model year 1997 or newer having a GVWR of 8,500 pounds or less that are presented for inspection. Subsection (c) is proposed for amendment to add a cross-reference to N.J.A.C. 7:27-14.3, which section applies to diesel-powered motor vehicles, as those vehicles will now be inspected at CIFs or PIFs. Proposed new subsections (d), (e), and (f) are added to require CIFs to conduct either an OBD inspection or a smoke opacity test on all diesel-powered motor vehicles presented for inspection having a GVWR of 8,501 through 17,999 pounds, as determined by the specific model year and GVWR of the vehicle, consistent with the NJDEP's diesel emission standards, tests, and procedures set forth at N.J.A.C. 7:27-14.5 and 7:27B-4.3 and 4.8. The proposed new subsections require CIFs to perform an OBD inspection on all OBD-equipped and OBD-eligible diesel-powered motor vehicles, and further clarify that a smoke opacity test must be performed on any diesel-powered motor vehicle that is not OBD-eligible, as determined by the NJDEP.

The proposed new subsections also require CIFs to conduct additional emission tests at the time of vehicle inspection including, a visible smoke test, indicator light check, visual fuel leak test, and an emission control apparatus examination.

Subchapter 33, Inspection Standards and Test Procedures to be Used by Licensed Private Inspection Facilities, sets forth the inspection standards and test procedures to be used by PIFs.

N.J.A.C. 13:20-33.1, Definitions, is proposed for amendment to define "diesel-powered motor vehicles," to make it clear which vehicles are now subject to emission inspections, and to conform to the NJDEP's rulemaking regarding these vehicles. The Commission also proposes to define "tampering" to clarify the prohibited activities whenever the term "tampering" is used.

At N.J.A.C. 13:20-33.21, Prescribed emission or on-board diagnostics test(s), subsections (b) and (c) are proposed for amendment to clarify that PIFs are required to conduct a visual fuel leak test on all diesel-fueled motor vehicles with model year 1997 or newer having a GVWR of 8,500 pounds or less that are presented for inspection, in addition to all diesel-fueled motor vehicles with model year 1996 or older having a GVWR of 8,500 pounds or less, that are registered commercially.

Proposed new subsections (d), (e), and (f) are added to require PIFs to conduct either an OBD inspection or a smoke opacity test on all diesel-powered motor vehicles presented for inspection having a GVWR of 8,501 through 17,999 pounds, as determined by the specific model year and GVWR of the vehicle, consistent with the NJDEP's diesel emission standards, tests, and procedures set forth at N.J.A.C. 7:27-14.5 and 7:27B-4.3 and 4.8. The proposed new subsections require PIFs to perform an OBD inspection on all OBD-equipped and OBD-eligible diesel-powered

motor vehicles, and further clarify that a smoke opacity test must be performed on any diesel-powered motor vehicle that is not OBD-eligible, as determined by the NJDEP.

The proposed new subsections also require PIFs to conduct additional non-instrumented emission tests at the time of vehicle inspection including, a visible smoke test, indicator light check, visual fuel leak test, and an emission control apparatus examination.

N.J.A.C. 13:20-33.22, Emission test equipment and on-board diagnostics inspection equipment maintenance, is proposed for amendment to correct the cross-reference to N.J.A.C. 7:27B-4.2, as the section applies broadly to all diesel-fueled motor vehicles, including diesel-powered motor vehicles, which vehicles will now be inspected at CIFs or PIFs.

Subchapter 43, Enhanced Motor Vehicle Inspection and Maintenance Program, implements the Federal Clean Air Act, Chapter 85, Air Pollution Prevention and Control, 42 U.S.C. §§ 7401 et seq., and the New Jersey Federal Clean Air Mandate Compliance Act, N.J.S.A. 39:8-41 et seq., by establishing an enhanced motor vehicle inspection and maintenance program for New Jersey that achieves the performance standard for enhanced programs established by the EPA.

N.J.A.C. 13:20-43.1, Definitions, is proposed for amendment to define "diesel-powered motor vehicles" to make it clear which vehicles are now subject to emission inspections, and to conform to the NJDEP's rulemaking regarding these vehicles. The Commission also proposes to define "tampering" to clarify the prohibited activities whenever the term "tampering" is used.

At N.J.A.C. 13:20-43.2, Inspection requirements for motor vehicles; exempt vehicles, subsection (a) is proposed for amendment to add cross-references to N.J.A.C. 7:27-14 and 7:27B-4, which subchapters set forth the emission or OBD inspection standards and test procedures applicable to diesel-powered motor vehicles, as these vehicles will now be subject to inspection at a CIF or PIF, in accordance with such standards and test procedures. Paragraphs (b)9 and 10 are proposed for deletion to remove diesel-powered motor vehicles from the self-inspect list in conformance with the NJDEP's rulemaking, and to clarify which vehicles remain subject to self-inspection for emissions and equipment.

N.J.A.C. 13:20-43.3, Inspection facilities, is proposed for amendment to emphasize that a motor vehicle may be directed to undergo inspection at a State specialty inspection facility (SIF) operated by the Commission, if subject to inspection pursuant to N.J.A.C. 13:20-7.3. The proposed amendment further clarifies that diesel-powered motor vehicles having a GVWR of 18,000 pounds or more are required to undergo inspection at a Class III PIF.

N.J.A.C. 13:20-43.4, Federal motor vehicles, paragraphs (c)3, 4, 5, 6, and 8 are proposed for deletion to remove certain references to tail pipe testing and fuel cap leak testing results, as this type of testing is obsolete and no longer performed on vehicles. The proposed amendment confirms that PIFs are not required to include this information when providing an inspection report to the operator of a Federally registered motor vehicle.

At N.J.A.C. 13:20-43.5, Motor vehicles registered in other states, subsection (a) is proposed for amendment to add cross-references to N.J.A.C. 7:27-14 and 7:27B-4, which subchapters set forth the emission or OBD inspection standards and test procedures applicable to diesel-powered motor vehicles, as diesel-powered motor vehicles that are registered in other jurisdictions will now be eligible to undergo inspection in this State, in accordance with such standards and test procedures. Paragraphs (d)4, 5, 6, 7, and 9 are proposed for deletion to remove certain references to tail pipe testing and fuel cap leak testing results, as this type of testing is obsolete and no longer performed on vehicles, and new paragraph (d)5 adds smoke opacity test results. The proposed amendment clarifies that the owner or lessee of a motor vehicle that is registered in another jurisdiction or operated on Federal installations in this State, whose vehicle is inspected in accordance with this subchapter, is not required to include such information when transmitting an inspection report to the state of registration.

N.J.A.C. 13:20-43.6, Fleet motor vehicles, is proposed for amendment to clarify that all diesel-powered fleet motor vehicles will now be subject to inspection at the appropriate inspection facility and satisfy compliance with the emission or OBD inspection standards and test procedures applicable to diesel-powered motor vehicles.

At N.J.A.C. 13:20-43.7, Test frequency, subsection (b) is proposed for amendment to include the requirement that all diesel-powered motor vehicles are subject to emission inspection on an annual basis. The non-emission-related equipment inspection of diesel-powered motor vehicles remains subject to the self-inspection requirements at N.J.A.C. 13:20-26.

At N.J.A.C. 13:20-43.8, On-board diagnostics inspection; tests for emissions; smoke opacity, subsection (e) is proposed for amendment to indicate that a visual fuel leak test must also be performed on each OBD-equipped and OBD-eligible diesel-fueled motor vehicle with model year 1997 or newer having a GVWR of 8,500 pounds or less that is presented for inspection, consistent with the NJDEP's diesel emission standards, tests, and procedures. Proposed new subsections (f), (g), and (h) are added to clarify that either an OBD inspection or a smoke opacity test must be performed on all diesel-powered motor vehicles presented for inspection having a GVWR of 8,501 through 17,999 pounds, as determined by the specific model year and GVWR of the vehicle, consistent with the NJDEP's diesel emission standards, tests, and procedures set forth at N.J.A.C. 7:27-14.5 and 7:27B-4.3 and 4.8. The proposed new subsections require that an OBD inspection be performed on all OBD-equipped and OBD-eligible diesel-powered motor vehicles and clarify that a smoke opacity test must be performed on any diesel-powered motor vehicle that is not OBD-eligible, as determined by the NJDEP. The proposed new subsections set forth additional emission tests that must be performed at the time of vehicle inspection, including a visible smoke test, indicator light check, visual fuel leak test, and an emission control apparatus examination. The proposed new subsections are consistent with the NJDEP's recent regulatory amendments.

Recodified subsection (j) is proposed for amendment to confirm that the equipment inspection of a Federally registered motor vehicle and a motor vehicle registered out-of-State will now include an inspection of the motor vehicle's emission control and catalyst systems, consistent with the NJDEP's prohibitions against tampering with a vehicle.

At N.J.A.C. 13:20-43.14, On-road inspections; scope; inspection procedures; criteria for selecting vehicles; procedures upon inspection failure, subsection (b) is proposed for amendment to confirm that an on-road motor vehicle inspection must also include an inspection of the vehicle's emission control systems, consistent with the NJDEP's emission standards, test procedures, and prohibitions against tampering with a vehicle. The proposed amendment further clarifies that an on-road inspection consists of an inspection to determine whether the vehicle has mechanical defects. Subsection (e) is proposed for amendment to update the section to reflect that law enforcement is authorized to establish the numerical sequence that determines which vehicles are subject to an on-road inspection. Proposed new subsection (h) is added to update the section to confirm that a motor vehicle that has failed an on-road inspection for reasons of tampering must be repaired by an emission repair facility or the owner or lessee and presented for reinspection at a SIF within the prescribed timeframe.

At N.J.A.C. 13:20-43.17, Emission inspector training and licensing; training administration; testing; application process; license fee; renewal of license; refresher training and testing; conflicts of interest, subsection (a) is proposed for amendment to update the list of subject matters included in the emission inspector training program, which shall be completed by all applicants for licensure. The proposed amendment updates the list to include content related to diesel emission inspection testing and equipment, which applicants will be required to learn pursuant to the program. Subsection (c) is proposed for amendment to clarify that an applicant for an emission inspector license is required to successfully complete a hands-on test, which test includes the ability to conduct and successfully complete an emission component tampering test and a diesel emission smoke opacity test.

At N.J.A.C. 13:20-43.21, Emission inspector training programs administered by third parties; fee; approval process; auditing of programs, subsection (e) is proposed for amendment to delete references to emission test equipment that is no longer used and update the section to clarify that the diesel emission smoke opacity meter and inspection workstation used by a third-party emission inspector training program provider is subject to inspection by the Chief Administrator, or his or her designee. Subsection (i) is proposed for amendment to update the required training curriculum utilized by third-party emission inspector training program providers to

include content related to emission testing and inspection procedures, including tampering, applicable to both gasoline and diesel emissions.

Subsection (j) is proposed for amendment to update the list of subject matters that a student in the emission inspector training program is responsible for knowing and to delete references to tail pipe testing, the idle test, and two-speed idle tests, as such testing is obsolete and no longer performed. Subsection (j) is further proposed for amendment to set forth the testing standards and equipment applicable to smoke opacity testing for diesel emissions and clarifies that students are responsible for knowing how to perform such testing. The proposed amendment further updates the section to clarify that students are required to learn how to perform emission control apparatus compliance testing on both gasoline and diesel-fueled motor vehicles, which includes an inspection of the catalytic converter(s) and the detection of tampering.

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

N.J.A.C. 13:20-44.2, Definitions, is proposed for amendment to define “diesel-powered motor vehicles” to make clear which vehicles are now subject to emission inspections, and to conform to the NJDEP’s rulemaking regarding these vehicles. The Commission proposes to define “tampering” to clarify the prohibited activities whenever the term “tampering” is used. The section is further proposed for amendment to update the definition for “diesel bus” to make clear that all diesel buses remain subject to the same emission inspection tests and procedures as diesel-powered motor vehicles.

At N.J.A.C. 13:20-44.3, Scope; license required; vehicle classes; inspection services; license classes, subsection (c) is proposed for amendment to authorize PIFs to perform inspections and re-inspections on all diesel-powered motor vehicles, as these vehicles will now be subject to inspection at either a CIF or a PIF. Subsection (d) is proposed for amendment for clarity and to update the list of equipment that must be inspected to include the emission control apparatus and components, consistent with the NJDEP’s prohibitions against tampering with a vehicle.

Subsection (h) is proposed for amendment to add a cross-reference to N.J.A.C. 7:27-14.5, which section sets forth the emission or OBD inspection standards and test procedures applicable to diesel-powered motor vehicles, as diesel-powered motor vehicles will now be eligible to undergo inspection at a PIF. Subsection (h) is further proposed for amendment to add a missing cross-reference to N.J.A.C. 7:27B-5, which subchapter outlines the testing procedures applicable to gasoline-fueled motor vehicles, as such vehicles are currently eligible to undergo inspection at a PIF. Subsection (h) is also proposed for amendment to authorize a PIF to inspect OBD-equipped and OBD-eligible diesel-powered motor vehicles, and further clarifies the requirement for the issuance of a PIF fleet license.

At N.J.A.C. 13:20-44.4, Initial application for a license, subsection (a) is proposed for amendment to update the section by changing a reference to the “Private Inspection Facility Licensing Unit” to the “Inspection Services Unit.” The proposed amendment further clarifies that applications for a PIF license may be obtained from the Inspection Services Unit, and updates the mailing address for the unit, in addition to the website address that provides information on licensing requirements. Subsection (b) is proposed for amendment to clarify that each applicant for a PIF license shall disclose whether the applicant has ever violated the regulation against tampering with emission control apparatus on a diesel-fueled motor vehicle by adding a cross-reference to N.J.A.C. 7:27-14.3, which section sets forth the NJDEP’s prohibitions against tampering with a diesel-fueled motor vehicle.

At N.J.A.C. 13:20-44.17, Additional violations, subsection (a) is proposed for amendment to clarify that the Commission has the authority to refuse to issue a license or a renewal thereof or suspend or revoke the existing license of any PIF, if the applicant or licensee has been found to have violated the regulation against tampering with emission control apparatus on a diesel-fueled motor vehicle. The proposed amendment updates the subsection by adding a cross-reference to N.J.A.C. 7:27-14.3, which section sets forth the NJDEP’s prohibitions against tampering with a diesel-fueled motor vehicle.

Subchapter 45, Motor Vehicle Emission Repair Facility Registration, establishes a system for the registration of motor vehicle emission repair

facilities that perform emission and OBD repairs for compensation on gasoline-fueled, bi-fueled, and diesel-fueled motor vehicles that have failed an emission or OBD inspection. This subchapter sets forth the application procedures for initial registration and renewals of registrations and lists the information and supplemental documentation that must be included with the application form. Additionally, this subchapter provides for the imposition of penalties, such as revocation and suspension of emission repair facility registrations, for certain enumerated violations. Subchapter 45 provides that the registrant, or someone in his or her employment, must be certified as an emission repair technician and sets forth the requirements for repair technician certification.

N.J.A.C. 13:20-45.3, Definitions, is proposed for amendment to define “tampering” to clarify the prohibited activities whenever the term “tampering” is used.

At N.J.A.C. 13:20-45.4, Initial application for registration, subsection (a) is proposed for amendment to update the rule by changing a reference to the “Motor Vehicle Emission Repair Facility Registration Unit” to the “Inspection Services Unit.” The proposed amendment further clarifies that applications for a motor vehicle emission repair facility registration may be obtained from the Inspection Services Unit and updates the mailing address for the unit, in addition to the website address that provides information on registration. Subsection (b) is proposed for amendment to clarify that each applicant for an emission repair facility registration shall disclose whether the applicant has ever violated the regulation against tampering with emission control apparatus on a diesel-fueled motor vehicle by adding the citation to N.J.A.C. 7:27-14.3, which section sets forth the NJDEP’s prohibitions against tampering with a diesel-fueled motor vehicle.

At N.J.A.C. 13:20-45.14, Additional violations, subsection (b) is proposed for amendment to clarify that the Commission has the authority to refuse to renew or suspend or revoke the registration of any motor vehicle emission repair facility if the applicant or registrant has been found to have violated the regulation against tampering with emission control apparatus on a diesel-fueled motor vehicle. The proposed amendment updates the rule by adding a cross-reference to N.J.A.C. 7:27-14.3, which section sets forth the NJDEP’s prohibitions against tampering with a diesel-fueled motor vehicle.

At N.J.A.C. 13:20-45.16, Repair technician; certification, subsection (b) is proposed for amendment to add a reference to diesel-fueled motor vehicles, to ensure consistency with the existing purpose of this subchapter as set forth at N.J.A.C. 13:20-45.1(b). Subsection (d) is proposed for amendment to update the requirements of the repair technician program to include content related to diesel emission inspection testing procedures, such as smoke opacity testing, and delete references to outdated testing which is no longer performed. The proposed amendment further updates the program to specify that general training related to both gasoline engine and diesel-fueled emission controls is required.

As the Commission has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendments will have a positive impact on the health and safety of all New Jersey residents. The proposed amendments require all diesel-powered motor vehicles having a GVWR of 8,501 to 17,999 pounds to undergo an annual emission inspection at a CIF or PIF. The NJDEP estimates that the proposed amendments will affect approximately 100,000 diesel-powered motor vehicles that are registered in the State. See 54 N.J.R. 2007(a); 55 N.J.R. 1005(b). Diesel-powered motor vehicles are currently subject to self-inspection for equipment items, which includes an inspection of the vehicle’s exhaust system and exhaust emissions. However, the emission tests and procedures applicable to diesel-powered motor vehicles subject to the Commission’s self-inspection program are currently limited to non-instrumented tests, including a visible smoke test, an indicator light check, a visual fuel leak test, and an emission control apparatus examination.

Upon adoption and implementation of the Commission’s proposed amendments, diesel-powered motor vehicles will no longer be permitted to self-inspect for emissions and will be required to undergo an OBD

inspection (if OBD-equipped and OBD-eligible) or a smoke opacity test at a CIF or PIF, consistent with the NJDEP's amended rule at N.J.A.C. 7:27-14.5. The NJDEP has determined that requiring all diesel-powered motor vehicles to undergo an OBD inspection or smoke opacity test performed by a properly trained and licensed inspector at a CIF or PIF, with the proper equipment to conduct such tests, will ensure that motor vehicles emitting excess pollutants will be identified and repaired. See 54 N.J.R. 2007(a); 55 N.J.R. 1005(b).

The NJDEP has found that the intended purpose of an emission inspection is to ensure that a motor vehicle is in optimum operating condition and is not emitting excess air pollutants. The New Jersey Legislature has recognized the public health risks associated with diesel exhaust emissions and has found that such emissions "contribute significantly to air pollution problems within the State" and "diminish the quality of life and health of our citizens." N.J.S.A. 39:8-59; see 54 N.J.R. 2007(a); 55 N.J.R. 1005(b). Accordingly, the Commission's proposed amendments will positively impact the quality of life for all State residents by reducing air pollutants that cause adverse health impacts, thereby resulting in improved highway safety and increased health benefits for all residents.

Economic Impact

The proposed amendments will have a direct economic impact on the State, PIFs, and owners of diesel-powered motor vehicles having a GVWR of 8,501 to 17,999 pounds. Pursuant to the proposed rulemaking, both CIFs and PIFs will have the authority to perform the annual emission inspection and related testing on all diesel-powered motor vehicles. Owners of diesel-powered motor vehicles may choose to present their vehicles for an annual emission inspection at a CIF, at no additional cost to the owner, or at a PIF, wherein the owner is responsible for the cost of inspection.

The cost of a vehicle inspection, if conducted at a CIF, is included in the cost of each vehicle registration that the vehicle's owner pays. Therefore, vehicle owners will be encouraged to take their vehicles to a CIF for annual inspection and benefit from the cost-savings, while the State assumes the increase in the total inspection fees paid to the State inspections contractor resulting from the increased volume of inspections at CIFs Statewide. Moreover, the NJDEP estimates that half of the approximately 100,000 diesel-powered motor vehicles registered in this State that will require an emission inspection pursuant to the proposed amendments are registered commercially, while the remainder of those total vehicles are registered as passenger vehicles. This factor may further impact the total cost of vehicle inspection at a PIF, as commercial vehicles are also required to undergo a mechanical inspection for which a PIF is authorized to charge an additional fee, in addition to the fee for the emission inspection. See 54 N.J.R. 2007(a); 55 N.J.R. 1005(b).

Additionally, the specific model year and GVWR of each diesel-powered motor vehicle will determine the type of tests that must be conducted on the vehicle and, therefore, the total cost of inspection to the vehicle owner or to the State. The NJDEP estimates that approximately half of the diesel-powered motor vehicles affected by the proposed rules will require a smoke opacity test and the remainder will require an OBD inspection. Although the price per vehicle inspection is largely dependent upon the market, the price for an annual smoke opacity test currently ranges from \$90.00 to \$150.00, whereas, the market price per OBD inspection is unknown, as OBD inspections have not yet been implemented for vehicles other than certain classes of light-duty vehicles having a GVWR of 8,500 pounds or less. See 54 N.J.R. 2007(a); 55 N.J.R. 1005(b).

Upon implementation of the proposed amendments, all CIFs and PIFs Statewide will be authorized to conduct OBD inspections and smoke opacity testing on all diesel-powered motor vehicles, pursuant to the NJDEP's diesel emission standards, tests, and procedures. Accordingly, the NJDEP determined that PIFs Statewide may be required to purchase additional, NJDEP-approved, emission equipment from the State inspections contractor, including smoke opacity meters that cost approximately \$6,500 per unit, to accommodate the vehicles that will require smoke opacity testing. See 54 N.J.R. 2007(a); 55 N.J.R. 1005(b). Similarly, the State will incur costs to equip the CIFs with such required smoke opacity testing equipment.

Jobs Impact

The Commission anticipates that the proposed amendments will result in an overall increase in the total number of motor vehicle inspections that are performed annually at both CIFs and PIFs, as a result of requiring emission inspections on all diesel-powered motor vehicles. This increase in the number of inspections performed annually will require both CIFs and PIFs to employ additional licensed and properly trained emission inspectors and additional staff to conduct the necessary inspections. See 54 N.J.R. 2007(a); 55 N.J.R. 1005(b).

Federal Standards Statement

When a State agency adopts, readopts, or amends rules that are subject to applicable Federal standards, N.J.S.A. 52:14B-23 requires an analysis identifying whether the State law is consistent with, or exceeds, the Federal standards set forth in the proposed rulemaking. Federal law, 49 U.S.C. § 30111(a), provides that the United States Secretary of Transportation shall prescribe motor vehicle safety standards. The Secretary of Transportation has established safety standards for motor vehicles and motor vehicle equipment at 49 CFR Part 571.101. The proposed amendments are consistent with the applicable Federal safety standards.

Agriculture Industry Impact

The proposed amendments will have no impact on the agriculture industry in New Jersey as the changes impact certain aspects of motor vehicle inspections. Additionally, any impact they will have on farm equipment or machinery is not significant. Certain farm equipment including tractors, farm implements, and combines, may be exempt from vehicle registration and furthermore, such equipment is far too large to undergo inspection at a CIF.

Regulatory Flexibility Analysis

The proposed amendments will apply to all PIFs Statewide. All PIFs are considered small businesses within the meaning of the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., in that they employ fewer than 100 full-time employees. The Commission is responsible for the licensing and regulation of all PIFs and estimates that there are approximately 975 PIFs Statewide, to date.

Pursuant to State law, the Commission issues the following three classes of PIF licenses that authorize the inspection of diesel-powered motor vehicles: Class I, Class II, and Class III. Pursuant to the existing I/M Program, Class I PIFs are authorized to perform OBD inspections on select classes of diesel-fueled motor vehicles while a small number of Class III PIFs are authorized to conduct both OBD inspections and smoke opacity testing on diesel-powered motor vehicles having a GVWR of 18,000 pounds or more. However, upon implementation of the proposed rules, all PIFs (and CIFs) Statewide will be authorized to conduct OBD inspections and smoke opacity testing on all diesel-powered motor vehicles, pursuant to the NJDEP's diesel emission standards, tests, and procedures.

PIFs perform motor vehicle inspections and re-inspections (on gasoline-fueled and bi-fueled motor vehicles, diesel-fueled motor vehicles and trucks, and diesel-powered motor vehicles) Statewide, and are subject to reporting, recordkeeping, and compliance requirements. In accordance with State law and Commission regulations set forth at N.J.A.C. 13:20-44.12, each PIF is required to comply with certain recordkeeping requirements, including maintaining copies of all motor vehicle inspection reports and related documents prepared by the PIF in connection with all inspections, re-inspections, vehicle certifications, and repair work that is performed by the PIF. Each time that a PIF performs an OBD inspection or a smoke opacity test, the corresponding inspection results are reported to and recorded on the Vehicle Inspection Database (VID). The results are reported and transmitted automatically through the inspection equipment, directly onto the VID. The proposed amendments do not impose new reporting or recordkeeping requirements upon the PIFs and are not likely to require the PIFs to retain additional professional services to comply with such requirements.

Additionally, pursuant to N.J.A.C. 13:20-44.3, all PIFs are required to utilize NJDEP-approved emission equipment to perform necessary emission testing and will incur initial capital costs to obtain such equipment. Therefore, PIFs Statewide may be required to purchase

NJDEP-compliant equipment, including smoke opacity meters, which equipment the NJDEP estimates costs approximately \$6,500 per unit, to accommodate the vehicles that will require smoke opacity testing or an OBD inspection, in compliance with the proposed amendments. See 54 N.J.R. 2007(a); 55 N.J.R. 1005(b).

The Commission also notes that the State will incur capital costs to equip the CIFs with the required smoke opacity testing equipment. Any costs associated with compliance, reporting, or recordkeeping requirements due to an increase in inspections performed will be administrative in nature. Moreover, the proposed rulemaking is specifically designed to minimize the economic impact on PIFs that are small businesses that are performing an increased number of annual inspections, as it does not impact the business's ability to set the price for all inspections of diesel-powered motor vehicles that it performs.

Additionally, the proposed amendments and new subsections will impact all small private businesses in the State that own or lease diesel-powered motor vehicles, by requiring such businesses to comply with the annual inspection requirement. However, small businesses that choose to present their vehicles for such annual emission inspection at a CIF will be able to do so at no additional cost. The proposed amendments and new subsections do not impose new reporting, recordkeeping, or compliance requirements on such small businesses in the State and are not likely to require these small businesses to retain additional professional services to comply with such requirements.

Housing Affordability Impact Analysis

The proposed amendments and new subsections will have no impact on the affordability of housing in New Jersey or the average costs associated with housing because the proposed amendments only affect the inspection of motor vehicles.

Smart Growth Development Impact Analysis

The proposed amendments and new subsections will have no impact on smart growth and will not result in a change in housing production within Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey because the proposed amendments only pertain to the inspection of motor vehicles.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The proposed amendments will have no impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State, as the regulations only pertain to the inspection of motor vehicles. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 7. VEHICLE INSPECTION

13:20-7.1 Definitions

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

...
"Diesel-powered motor vehicles" means a diesel-powered motor vehicle as defined at N.J.A.C. 13:20-26.2.

...
"Tampering" means the intentional disabling, bypassing, modification, or other means of defeating the intended purpose of an Emission Control System, as defined at N.J.A.C. 13:20-43.1, or installed device, as specified at N.J.A.C. 7:27-14.3 and 15.7.

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.-3. (No change.)

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

5. Driving school vehicles[.]; and

6. All diesel-powered motor vehicles, which shall be inspected in accordance with the inspection standards and test procedures adopted by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4. The non-emission-related equipment inspection of diesel-powered motor vehicles is subject to the requirements at N.J.A.C. 13:20-26.

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

1.-7. (No change.)

[8. Diesel-fueled motor vehicles having a GVWR of 8,501 pounds or more that are required to be inspected by the owner or lessee of the vehicle in accordance with N.J.A.C. 13:20-26;

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

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

Recodify existing 12.-13. as **10.-11.** (No change in text.)

[14.] **12.** Electric vehicles and other vehicles not fueled by [hydrocarbon based] **hydrocarbon-based fuel(s);**

[15.] **13. [Vehicles] Passenger vehicles** with model year 1995 and older, except those vehicles [in] at (b)1 through 5 above;

[16.] **14.** Vehicles registered [under provision of] **in accordance with** N.J.S.A. 39:3-18;

Recodify existing 17.-19. as **15.-17.** (No change in text.)

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

13:20-26.2 Definitions

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

...
"Diesel bus" means a diesel bus as defined pursuant to section 2 [of] at 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 [Commercial Bus] Inspection [and Investigation] Services **Bus Unit.**

13:20-26.3 Inspection and maintenance

Inspection and maintenance of all **motor** vehicles must meet all Federal requirements set forth by **the** Federal Motor Vehicle Safety Standards and **Federal Motor Carrier Safety Regulations** (49 CFR 396.3), which are incorporated herein by reference.

13:20-26.11 Required inspection and maintenance

(a) The following items of equipment shall be inspected and maintained at least once every three months:

1.-13. (No change.)

14. Exhaust system [and exhaust emissions], including **emission control apparatus and components, in accordance with** the requirements set forth at N.J.A.C. 7:27-[14.4(a)2, 3, 4, and 5 and 14.5(d)]**14.5(c);** and

15. (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.

...
“Diesel-powered motor vehicles” means a diesel-powered motor vehicle as defined at N.J.A.C. 13:20-26.2.

...
“Tampering” means the intentional disabling, bypassing, modification, or other means of defeating the intended purpose of an Emission Control System, as defined at N.J.A.C. 13:20-43.1, or installed device, as specified at N.J.A.C. 7:27-14.3 and 7:27-15.7.

13:20-32.20 Vehicle inspection: exhaust system requirements, all vehicles; vehicle inspection at official inspection facilities
(a)-(b) (No change.)

(c) No motor vehicle shall be certified if there is evidence of tampering with emission control apparatus in violation of N.J.A.C. 7:27-14.3 or [7:27-]15.7.

13:20-32.21 Vehicle inspection: visible smoke and on-board diagnostics test(s) requirements, all vehicles; vehicle inspection at official inspection facilities

(a) (No change.)

(b) With respect to each OBD-equipped and OBD-eligible diesel-fueled motor vehicle with model year 1997 or newer having a GVWR of 8,500 pounds or less that is presented for inspection, an official inspection facility shall conduct a visible smoke test, a **visual fuel leak test**, and an OBD [test] **inspection** specified for such motor vehicle in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4. An OBD inspection shall not be required pursuant to this subsection for any OBD-equipped diesel-fueled motor vehicle that is not OBD-eligible, as shall be determined by the Department of Environmental Protection.

(c) No motor vehicle shall be certified if there is evidence of tampering with emission control apparatus in violation of N.J.A.C. 7:27-14.3 or [7:27-]15.7.

(d) An official inspection facility shall conduct an OBD inspection in accordance with N.J.A.C. 7:27-14.5 and 7:27B-4.8 on all OBD-equipped and OBD-eligible diesel-powered motor vehicles with model year 2008 and newer having a GVWR from 8,501 pounds to 14,000 pounds and model year 2014 and newer having a GVWR from 14,001 pounds to 17,999 pounds. An OBD inspection shall not be required pursuant to this subsection for any OBD-equipped diesel-powered motor vehicle that is not OBD-eligible as determined by the Department of Environmental Protection. A smoke opacity test shall be conducted in accordance with N.J.A.C. 7:27B-4.3 on such diesel-powered motor vehicle that is not OBD-eligible.

(e) An official inspection facility shall conduct a smoke opacity test in accordance with N.J.A.C. 7:27-14.5 and 7:27B-4.3 on all diesel-powered motor vehicles with model year 2007 and older having a GVWR from 8,501 pounds to 14,000 pounds and model year 2013 and older having a GVWR from 14,001 pounds to 17,999 pounds.

(f) An official inspection facility shall conduct a visible smoke test, indicator light check, visual fuel leak test, and emission control apparatus examination in accordance with N.J.A.C. 7:27-14.5 on all diesel-powered motor vehicles having a GVWR from 8,501 pounds to 17,999 pounds.

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.

...
“Diesel-powered motor vehicles” means a diesel-powered motor vehicle as defined at N.J.A.C. 13:20-26.2.

...
“Tampering” means the intentional disabling, bypassing, modification, or other means of defeating the intended purpose of an Emission Control System, as defined at N.J.A.C. 13:20-43.1, or installed device, as specified at N.J.A.C. 7:27-14.3 or 7:27-15.7.

13:20-33.21 Prescribed emission or on-board diagnostics test(s)
(a) (No change.)

(b) With respect to each OBD-equipped and OBD-eligible diesel-fueled motor vehicle with model year 1997 or newer having a GVWR of 8,500 pounds or less that is presented for inspection, a licensed private inspection facility shall conduct a visible smoke test, a **visual fuel leak test**, and an OBD [test] **inspection** specified for such motor vehicle in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4. An OBD inspection shall not be required pursuant to this subsection for any OBD-equipped diesel-fueled motor vehicle that is not OBD-eligible, as shall be determined by the Department of Environmental Protection.

(c) With respect to each diesel-fueled motor vehicle that is registered as a commercial vehicle with model year 1996 or older having a GVWR of 8,500 pounds or less that is presented for inspection, a licensed private inspection facility shall conduct a visible smoke test and a **visual fuel leak test** specified for such motor vehicle in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4.

(d) A licensed private inspection facility shall conduct an OBD inspection in accordance with N.J.A.C. 7:27-14.5 and 7:27B-4.8 on all OBD-equipped and OBD-eligible diesel-powered motor vehicles with model year 2008 and newer having a GVWR from 8,501 pounds to 14,000 pounds and model year 2014 and newer having a GVWR from 14,001 pounds to 17,999 pounds. An OBD inspection shall not be required pursuant to this subsection for any OBD-equipped diesel-powered motor vehicle that is not OBD-eligible as determined by the Department of Environmental Protection. A smoke opacity test shall be conducted in accordance with N.J.A.C. 7:27B-4.3 on such diesel-powered motor vehicle that is not OBD-eligible.

(e) A licensed private inspection facility shall conduct a smoke opacity test in accordance with N.J.A.C. 7:27-14.5 and 7:27B-4.3 on all diesel-powered motor vehicles with model year 2007 and older having a GVWR from 8,501 pounds to 14,000 pounds and model year 2013 and older having a GVWR from 14,001 pounds to 17,999 pounds.

(f) A licensed private inspection facility shall conduct a visible smoke test, indicator light check, visual fuel leak test, and emission control apparatus examination in accordance with N.J.A.C. 7:27-14.5 on all diesel-powered motor vehicles having a GVWR from 8,501 pounds to 17,999 pounds.

13:20-33.22 Emission test equipment and on-board diagnostics inspection equipment maintenance

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.

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.

“**Diesel-powered motor vehicles**” means a diesel-powered motor vehicle as defined at N.J.A.C. 13:20-26.2.

“**Tampering**” means the intentional disabling, bypassing, modification, or other means of defeating the intended purpose of an Emission Control System, as defined at N.J.A.C. 13:20-43.1, or installed device, as specified at N.J.A.C. 7:27-14.3 or 7:27-15.7.

13:20-43.2 Inspection requirements for motor vehicles; exempt vehicles

(a) Except as otherwise provided [in] at (b) below, all motor vehicles, regardless of model year or fuel type, which are registered, or required to be registered, in New Jersey and all fleet motor vehicles that are primarily operated in New Jersey shall be inspected in accordance with this subchapter and the applicable emission or OBD inspection standards and test procedures adopted by the Department of Environmental Protection at N.J.A.C. 7:27-14 and [7:27-]15 and 7:27B-4 and [7:27B-]5. It shall be the responsibility of the owner or lessee of any motor vehicle primarily operated in New Jersey, but which is registered in another jurisdiction to have such motor vehicle inspected in the state or jurisdiction of registration or in this State.

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

1.-8. (No change.)

[9. Diesel-fueled motor vehicles having a GVWR greater than 8,500 pounds but less than 18,000 pounds are required to be inspected by the owner or lessee of the vehicle in accordance with N.J.A.C. 13:20-26;

10. 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;]

Recodify existing 11.-20. as 9.-18. (No change in text.)

13:20-43.3 Inspection facilities

A motor vehicle subject to inspection shall have the inspection performed at an official inspection facility, a private inspection facility licensed by the Motor Vehicle Commission, or, **when requested or directed**, a State specialty inspection facility operated by the Motor Vehicle Commission, in accordance with N.J.A.C. 13:20-7.3. **A diesel-powered motor vehicle having a GVWR of 18,000 pounds or more that is subject to inspection shall have the inspection performed at a Class III, private inspection facility licensed by the Motor Vehicle Commission.**

13:20-43.4 Federal motor vehicles

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

(c) A 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.-2. (No change.)

[3. HC results, if applicable;

4. CO results, if applicable;

5. CO₂ results, if applicable;

6. O₂ results, if applicable;]

[7.] **3. OBD inspection results, if applicable; and**

[8. Fuel cap leak test results, if applicable; and]

[9.] **4. (No change in text.)**

(d) (No change.)

13:20-43.5 Motor vehicles registered in other states

(a) Owners, lessees, or operators of motor vehicles registered in other jurisdictions may present their motor vehicles for inspection in this State. The inspection shall be 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. 7:27-14 and [7:27-]15 and 7:27B-4 and [7:27B-]5.

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

(d) The owner or lessee of a motor vehicle shall transmit a report of inspections conducted in accordance with N.J.A.C. 13:20-43.4(d) or (a) above to the state of registration, which shall include:

1.-3. (No change.)

[4. HC results, if applicable;

5. CO results, if applicable;

6. CO₂ results, if applicable;

7. O₂ results, if applicable;]

[8.] **4. (No change in text.)**

[9. Fuel cap leak test results, if applicable; and]

5. Smoke opacity test results, if applicable; and

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

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. **All diesel-powered fleet motor vehicles shall be inspected in accordance with the inspection standards and test procedures adopted by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4.** A fleet motor vehicle shall be inspected at the appropriate inspection facility as specified [in] at N.J.A.C. 13:20-7.3. The owner or lessee of fleet motor vehicles may apply for and be licensed by the Motor Vehicle Commission as a private inspection facility in accordance with N.J.S.A. 39:8-1 et seq., and N.J.A.C. 13:20-44.

13:20-43.7 Test frequency

(a) (No change.)

(b) Notwithstanding (a) above, the following motor vehicles subject to inspection pursuant to this subchapter shall be inspected on an annual basis:

1. 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. (No change.)

3. Driving school vehicles; [and]

4. Heavy-duty [diesel powered] **diesel-powered motor** vehicles with gross vehicle weight rating 18,000 pounds or more[.]; **and**

5. All diesel-powered motor vehicles, which shall be inspected in accordance with the inspection standards and test procedures adopted by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4. The non-emission-related equipment inspection of diesel-powered motor vehicles is subject to the requirements at N.J.A.C. 13:20-26.

13:20-43.8 On-board diagnostics inspection; tests for emissions; smoke opacity

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

(e) A visible smoke test shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-5 on all gasoline-fueled and bi-fueled motor vehicles subject to inspection pursuant to N.J.S.A. 39:8-1. With respect to each OBD-equipped and OBD-eligible diesel-fueled [passenger] **motor vehicle** with model year 1997 or newer having a GVWR of 8,500 pounds or less that is presented for inspection, a visible smoke test, **a visual fuel leak test**, and an OBD [test] **inspection** specified for such motor vehicle shall be conducted in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4.

(f) An OBD inspection shall be conducted in accordance with N.J.A.C. 7:27-14.5 and 7:27B-4.8 on all OBD-equipped and OBD-eligible diesel-powered motor vehicles with model year 2008 and newer having a GVWR from 8,501 pounds to 14,000 pounds and model year 2014 and newer having a GVWR from 14,001 pounds to 17,999 pounds. An OBD inspection shall not be required pursuant to

this subsection for any OBD-equipped diesel-powered motor vehicle that is not OBD-eligible as determined by the Department of Environmental Protection. A smoke opacity test shall be conducted in accordance with N.J.A.C. 7:27B-4.3 on such diesel-powered motor vehicle that is not OBD-eligible.

(g) A smoke opacity test shall be conducted in accordance with N.J.A.C. 7:27-14.5 and 7:27B-4.3 on all diesel-powered motor vehicles with model year 2007 and older having a GVWR from 8,501 pounds to 14,000 pounds and model year 2013 and older having a GVWR from 14,001 pounds to 17,999 pounds.

(h) A visible smoke test, indicator light check, visual fuel leak test, and emission control apparatus examination shall be conducted in accordance with N.J.A.C. 7:27-14.5 on all diesel-powered motor vehicles having a GVWR from 8,501 pounds to 17,999 pounds and diesel-fueled motor vehicles having a GVWR greater than 17,999 pounds.

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

[(g)] (j) A motor vehicle inspection shall be conducted on all motor vehicles subject to inspection in accordance with N.J.S.A. 39:8-1; provided, however, that with regard to Federal motor vehicles inspected in accordance with N.J.A.C. 13:20-43.4 and motor vehicles registered in other states inspected in accordance with N.J.A.C. 13:20-43.5, the equipment inspection required by this subsection shall be limited to an inspection of the motor vehicle's exhaust, **emission control, and catalyst systems**. The following equipment for commercial vehicles and passenger vehicle transportation shall be subject to inspection:

1.-17 (No change)

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

13:20-43.14 On-road inspections; scope; inspection procedures; criteria for selecting vehicles; procedures upon inspection failure

(a) (No change.)

(b) On-road inspection shall consist of a visible smoke test, an OBD inspection, a visual fuel cap check, an inspection for the presence and integrity of the motor vehicle's catalytic converter(s) and **emission control system (as applicable)**, an examination of the driver's license, motor vehicle registration certificate, and insurance identification card, mechanical **compliance** inspection, if required by rule, 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.-6. (No change.)

7. Motor vehicles that correspond to a predetermined numerical sequence established by Commission supervisory personnel **and/or law enforcement** for subjecting motor vehicles to on-road inspection (for example, every fifth motor vehicle, every 10th motor vehicle, etc.).

(f)-(g) (No change.)

(h) **The owner or lessee of a motor vehicle that has failed an on-road inspection for missing or tampered exhaust systems or emission control devices shall have the necessary repairs made and present the motor vehicle for re-inspection within 30 days. Motor vehicles that have failed an on-road inspection for missing or tampered exhaust systems or emission control devices shall receive a dated stamped Recall Inspection Notice from the Motor Vehicle Commission's Inspection Services Unit advising that the vehicle must be presented for re-inspection at a State specialty inspection facility operated by the Motor Vehicle Commission. Failure to present the motor vehicle for re-inspection may result in the suspension of the owner or lessee's registration privileges.**

13:20-43.17 Emission inspector training and licensing; training administration; testing; application process; license fee; renewal of license; refresher training and testing; conflicts of interest

(a) No person shall perform an emission or OBD inspection required by this subchapter, unless licensed by the Motor Vehicle Commission to perform such inspection. In order to obtain licensure as a motor vehicle

emission inspector, an applicant shall complete a training program that shall consist of acquiring an understanding of:

1.-2. (No change.)

3. [Emission] **Gasoline and diesel emission inspection** and OBD inspection regulations and procedures;

4. Technical details of **gasoline and diesel emission [test] inspection testing** and OBD inspection procedures and the rationale for their design;

5. [Emission] **Gasoline and diesel emission control [device] apparatus** function, configuration, and inspection;

6.-8. (No change.)

9. Personal safety and health issues related to the inspection process; [and]

10. An overview of the New Jersey inspection program, including OBD, diesel safety inspections, and emission repairs[.]; **and**

11. Diesel emission smoke opacity testing equipment operation, calibration, and maintenance.

(b) (No change.)

(c) An applicant for licensure as a motor vehicle emission inspector shall submit to the Motor Vehicle Commission a license fee of \$50.00 and a certificate confirming that the applicant has successfully completed training and testing at a Motor Vehicle Commission-approved emission inspector training program. The applicant shall have attained a score of at least 80 percent of correct responses on a written examination covering all aspects of the training. In addition, a hands-on test shall have been administered in which the applicant demonstrated, without assistance, the ability to conduct a proper inspection, to properly utilize equipment, and to follow other procedures adopted by the Motor Vehicle Commission. Inability to properly conduct any emission test, **emission component tampering test, diesel emission smoke opacity test**, or OBD inspection procedure shall constitute failure of the test.

(d)-(j) (No change.)

13:20-43.21 Emission inspector training programs administered by third parties; fee; approval process; auditing of programs; **training curriculum; performance standard for emission inspector training applicable to gasoline and diesel emissions**

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

(e) The hands-on emission and OBD [test] **inspection** demonstration area, including the emission and OBD [test] **inspection** equipment (that is, the [exhaust gas analyzer] **diesel emission smoke opacity meter**, OBD scanner, and [analyzer and fuel cap leak tester] **the inspection workstation**) shall be subject to inspection by the Chief Administrator, or his or her designee. If a simulator is used, a written explanation of its design and function shall be required.

(f)-(h) (No change.)

(i) A [third party] **third-party** emission inspector training program provider shall submit a curriculum or syllabus to the Chief Administrator, or his or her designee, for approval covering the following:

1.-2. (No change.)

3. [Emission] **Gasoline and diesel emission** and OBD inspection regulations and procedures;

4. (No change.)

5. [Emission] **Gasoline and diesel emission** control device function, configuration, **tampering**, and inspection;

6. [Emission test] **Smoke opacity** and OBD inspection equipment operation, calibration, and maintenance **for diesel emission testing**;

7.-10. (No change.)

(j) The training curriculum or syllabus shall meet or exceed the performance standard for emission inspector training as set forth in this subsection. A student who has successfully completed an emission inspector training program shall be able to properly perform each emission and OBD inspection procedure and shall have knowledge of the subject matter set forth below:

1. Overview information:

i.-iii. (No change.)

iv. [Motor] **Gasoline-fueled and diesel-fueled motor vehicle emissions**;

v.-vii. (No change.)

2. Exhaust emission testing:

i. General information:

(1) Understanding **gasoline-fueled and diesel-fueled motor vehicle** emission theory;

[(2) Understanding five gas theory (HC, CO, O₂, CO₂, and NO)]

(2) Understanding **diesel emission smoke opacity standards and current cut points**;

(3) Understanding, [and] utilizing, [exhaust gas analyzers] **and calibrating diesel emission smoke opacity meters or testing equipment**; and

[(4) Oxides of nitrogen (NO_x) production and control; and]

(4) Diesel emission smoke opacity testing methods; and

ii. Detailed information:

(1) Knowledge of how to perform the [idle test and two-speed idle] **diesel emission smoke opacity test**;

(2) Knowledge of the inspection regulations and procedures needed to perform all **diesel** exhaust emission tests;

(3) Knowledge of the test equipment operation, calibration, and maintenance for [exhaust] **diesel emission smoke opacity testing equipment**;

(4)-(6) (No change.)

3. Emission control apparatus compliance testing:

i. General information:

(1) Understanding **gasoline-fueled motor vehicle** catalytic converters; and

(2) Understanding [and utilizing fuel cap leak and] **and identifying gasoline and diesel-fueled motor vehicle** emission control parts, apparatus [testing equipment], **and related inspection procedures, including the detection of tampering**; and

ii. Detailed information:

[(1) Knowledge of how to perform the fuel cap leak test;]

[(2)] **(1) Knowledge of how to perform the inspection for the presence of catalytic converters on a gasoline-fueled motor vehicle**;

[(3)] **(2) Knowledge of the inspection regulations and procedures for emission control apparatus testing and detecting tampering**;

Recodify existing (4)-(6) as **(3)-(5)** (No change in text.)

4. OBD-I and OBD-II:

i. (No change.)

ii. Detailed information:

[(1) Description of the differences between OBD-I and OBD-II;]

Recodify existing (2)-(4) as **(1)-(3)** (No change in text.)

(k)-(l) (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.

...

“Diesel bus” means a diesel bus as defined pursuant to section 2 [of] at 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] **within** the inspection jurisdiction of the Commission’s Inspection Services Bus Unit.

“**Diesel-powered motor vehicles**” means a **diesel-powered motor vehicle as defined at N.J.A.C. 13:20-26.2.**

...

“**Tampering**” means the **intentional disabling, bypassing, modification, or other means of defeating the intended purpose of an Emission Control System, as defined at N.J.A.C. 13:20-43.1, or installed device, as specified at N.J.A.C. 7:27-14.3 or 15.7.**

...

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, re-inspection, and certification of light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, heavy-duty gasoline-fueled vehicles, bi-fueled motor vehicles, diesel-fueled automobiles, diesel-

fueled trucks having a GVWR of 8,500 pounds or less and 18,000 pounds or more, [and] passenger vehicle transportation, **and diesel-powered motor vehicles**; provided, however, private inspection facilities shall not inspect school buses, buses which are subject to inspection by the Motor Vehicle Commission’s Inspection Services Bus Unit, or motor vehicles with elevated chassis height that are subject to inspection in accordance with N.J.A.C. 13:20-37.

(d) Licensed private inspection facilities shall provide inspection, re-inspection, and certification services for all classes of motor vehicles established by the Motor Vehicle Commission, [including the following] **which shall include an inspection [categories] of the following items**:

1.-3. (No change.)

4. Exhaust system, **including emission control apparatus and components**;

5.-7. (No change.)

8. Miscellaneous (any **other** inspection item not in other categories, **including an equipment inspection and emission testing, in accordance with N.J.A.C. 13:20-43.8).**

(e)-(g) (No change.)

(h) Private inspection facilities must have Department of Environmental Protection-approved emission equipment to perform a specific test **in accordance with the inspection standards and test procedures** set forth at N.J.A.C. 7:27-14.5 and 15.5 and 7:27B-4 and [7:27-15.5] 5.

1. A license 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; heavy-duty gasoline-fueled vehicles; bi-fueled motor vehicles; diesel-fueled automobiles; diesel-fueled trucks having a GVWR of 8,500 pounds or less; diesel-fueled trucks having a GVWR of 18,000 pounds or more; [and] passenger vehicle transportation; **and diesel-powered motor vehicles.**

2. A private inspection facility with a fleet license 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 8,500 pounds or less; diesel-fueled trucks having a GVWR of 18,000 pounds or more; [and] passenger vehicle transportation; **and diesel-powered motor vehicles**, to engage in the inspection and certification of such motor vehicles.

(i)-(k) (No change.)

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] **Services Unit of the Motor Vehicle Commission. The application is posted on the Commission’s website, [at www.njmvc.gov/pif/ www.nj.gov/mvc/business/piflicense.htm. The address of the [Private] Inspection [Facility Licensing] Services Unit is:**

Motor Vehicle Commission

[Business License] Inspection Services Unit

[Private Inspection Facility Licensing Unit]

225 East State Street

PO Box [170] **680**

Trenton, New Jersey [08666-0170] **08666-0680**

(b) Each applicant for a private inspection facility license shall file with the Chief Administrator, in such form and detail as may be required by him or her, an application setting forth the following:

1.-4. (No change.)

5. Whether the applicant has ever been found to be in violation of the Federal Clean Air Act or the Consumer Fraud Act (N.J.S.A. 56:8-1 et seq.) or any regulations adopted thereunder or N.J.A.C. **7:27-14.3 or [7:27-15.7]** pertaining to tampering with emission control apparatus;

6.-7. (No change.)

(c)-(i) (No change.)

13:20-44.17 Additional violations

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

1.-2. (No change.)

3. Has been found to have tampered with emission control apparatus in violation of N.J.A.C. 7:27-14.3 or [7:27-]15.7;

4.-15. (No change.)

SUBCHAPTER 45. MOTOR VEHICLE EMISSION REPAIR FACILITY REGISTRATION

13:20-45.3 Definitions

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

...
“Tampering” means the intentional disabling, bypassing, modification, or other means of defeating the intended purpose of an Emission Control System as defined at N.J.A.C. 13:20-43.1, or installed device, as specified at N.J.A.C. 7:27-14.3 and 15.7.

13:20-45.4 Initial application for registration

(a) Any person seeking to engage in the business of a motor vehicle emission repair facility shall apply, in accordance with the provisions of this subchapter, to the Chief Administrator for a registration authorizing him or her to engage in such business. An application for a motor vehicle emission repair facility registration may be obtained from the [Motor Vehicle Emission Repair Facility Registration] **Inspection Services** Unit of the Motor Vehicle Commission. **The application is posted on the Commission’s website, <http://www.nj.gov/mvc/business/erffacility.htm>.** The address of the [Motor Vehicle Emission Repair Facility Registration] **Inspection Services** Unit is:

Motor Vehicle Commission
 [Business License] Inspection Services Unit
 [Motor Vehicle Emission Repair Facility
 Registration Unit]
 225 East State Street
 PO Box [170] **680**
 Trenton, New Jersey [08666-0170] **08666-0680**

(b) Each applicant for a motor vehicle emission repair facility registration shall file with the Chief Administrator, in such form and detail as may be required by him or her, an application setting forth the following:

1.-3. (No change.)

4. Whether the applicant has ever been found to be in violation of the Federal Clean Air Act or the Consumer Fraud Act (N.J.S.A. 56:8-1 et seq.) or any regulations adopted thereunder or N.J.A.C. 7:27-14.3 or [7:27-]15.7 pertaining to tampering with emission control apparatus;

5.-6. (No change.)

(c)-(f) (No change.)

13:20-45.14 Additional violations

(a) (No change.)

(b) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Chief Administrator may refuse to renew a registration or suspend or revoke the registration of any motor vehicle emission repair facility if he or she determines that the applicant or registrant at any time following submission of the application for initial registration:

1. (No change.)

2. Has been found to have violated N.J.A.C. 7:27-14.3 or [7:27-]15.7 pertaining to tampering with emission control apparatus;

3.-14. (No change.)

13:20-45.16 Repair technician; certification

(a) (No change.)

(b) No [emission-related] **emissions-related** or OBD-related repairs to “gasoline-fueled,” [or] “bi-fueled,” or **“diesel-fueled”** motor vehicles as defined [in] at N.J.A.C. 13:20-43.1 may be performed for compensation of any kind by any person or facility unless the repairs are made by, or

under the supervision of, a certified repair technician employed by the facility. For purposes of this subsection, “employed by” shall be construed to include any business relationship between the certified repair technician and the facility, including actual or equitable ownership, in whole or in part, of the individual facility by the technician or a partnership interest in the facility.

(c) (No change.)

(d) An approved repair technician program of instruction shall include:

1. (No change.)

2. The application of emission control theory and diagnostic data to the diagnosis and repair of failures on OBD [and idle] tests [and the fuel cap leak test];

3. Utilization of diagnostic information on systematic or repeated failures observed in the OBD and [idle tests and the fuel cap leak test] **smoke opacity tests**; and

4. General training in the various subsystems related to **gasoline** engine and **diesel-fueled** emission controls.

(e) (No change.)

(a)

THE COMMISSIONER

Administration, Organization, Records Management and Information Requests

Proposed Readoption with Amendments: N.J.A.C. 16:1A

Proposed Repeal and New Rule: N.J.A.C. 16:1A-1.1

Authorized By: Francis O’Connor, Commissioner, Department of Transportation.

Authority: N.J.S.A. 27:1A-1, 27:1A-5, 27:1A-6, and 52:14B-1 et seq., particularly 52:14B-3 and 4.

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

Proposal Number: PRN 2024-111.

Submit written comments by December 6, 2024, to:

Natalie Mintchwarner
 Administrative Practice Officer
 New Jersey Department of Transportation
 PO Box 600
 Trenton, NJ 08625-0600
 Fax: (609) 530-4638
 Submit electronically at NJDOTRules@dot.nj.gov

The rules proposed for readoption with amendments may be viewed or downloaded from the Department of Transportation’s website at <http://www.state.nj.us/transportation/about/rules/proposals.shtm>.

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 16:1A was scheduled to expire on August 30, 2024. As the Department of Transportation submitted this notice of proposal to the Office of Administrative Law prior to that date the expiration date was extended 180 days to February 26, 2025, pursuant to N.J.S.A. 52:14B-5.1.c(2).

The Department of Transportation (Department) has reviewed the rules proposed for readoption with amendments and determined that they remain necessary, reasonable, and proper for the purposes for which they were originally promulgated. Proposed amendments are necessary in order to update the Department’s mission statement, contact information, websites, title names, and work unit locations as they relate to the Department’s organizational chart and clarifying language and citations for copies of traffic control devices and maintenance records. The Department is proposing to readopt this chapter with the amendments, as set forth below.

This notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5, as the Department has provided a 60-day comment period for this notice of proposal.