

39:8-1 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:8-1 et al

(Auto inspections - private garages to be designated as official inspection stations)

LAWS OF: 1983

CHAPTER: 236

Bill No: S3472

Sponsor(s): Kennedy and Graves

Date Introduced: June 20, 1983

Committee: Assembly: -----

Senate: Law, Public Safety and Defense

Amended during passage: ~~NO~~ YES

Date of Passage: Assembly: June 27, 1983

Senate: June 23, 1983

Date of Approval: June 30, 1983

Following statements are attached if available:

Sponsor statement: YES

Committee statement: Assembly NO

Senate YES

Fiscal Note: NO

Veto Message: NO

Message on Signing: YES

Following were printed:

Reports: YES

Hearings: NO

Report, referred to in sponsor's statement:

974.90 Herman, Martin A.

A939 Recommendations and findings on the motor vehicle inspection program..June 1983a 2, 1983 Trenton, 1983.

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SENATE, No. 3472

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STATE OF NEW JERSEY

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INTRODUCED JUNE 20, 1983

By Senators KENNEDY and GRAVES

Referred to Committee on Law, Public Safety and Defense

AN ACT permitting the Director of the Division of Motor Vehicles to designate licensed reinspection centers as official inspection stations for a fixed period of time, amending R. S. 39:8-2 and P. L. 1975, c. 156 and supplementing Title 39 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. R. S. 39:8-2 is amended to read as follows:

2 39:8-2. The director may designate and appoint, subject to exist-  
3 ing laws, competent examiners of motor vehicles to examine motor  
4 vehicles required to be inspected in accordance with the provisions  
5 of this chapter. Such examiners may be delegated to enforce the  
6 provisions of the motor vehicle and traffic law.

7 The director may make rules and regulations with respect to the  
8 character **[and frequency]** of the inspections to be made, *with*  
9 *respect to the frequency of inspections of motor vehicles* and with  
10 respect to the approval or rejection of motor vehicles as a result  
11 of such inspections. *All other vehicles required by the director to*  
12 *be inspected under this chapter shall be inspected at least annually.*

13 *Rules and regulations relating to the frequency and character of*  
14 *vehicle emissions inspections shall be promulgated in cooperation*  
15 *with the Department of Environmental Protection.*

16 The director shall furnish to designated examiners official certifi-  
17 cates of approval, the form, content and use of which he shall  
18 prescribe.

**EXPLANATION**—Matter enclosed in bold-faced brackets **[thus]** in the above bill  
is not enacted and is intended to be omitted in the law.  
Matter printed in italics *thus* is new matter.

19 The director may, with the approval of the State House Com-  
 20 mission, purchase, lease or acquire by the exercise of the power of  
 21 eminent domain any property for the purpose of assisting him in  
 22 carrying out the provisions of this chapter. Such property may  
 23 also be used by the director for the exercise of the duties and  
 24 powers conferred upon him by the other chapters of this Title.

25 *The director shall conduct random roadside examinations of*  
 26 *motor vehicles required to be inspected in this State to provide a*  
 27 *continuous monitoring of motor vehicles. Each year at least 1%*  
 28 *of the total number of motor vehicles registered in the State shall*  
 29 *be inspected by roadside examination teams under the supervision*  
 30 *of the director.*

31 *The director shall conduct inspections and audits of licensed*  
 32 *reinspection centers to insure accurate test equipment calibration*  
 33 *and use, and compliance with the provisions of this act. These*  
 34 *inspections and audits shall be conducted monthly, except that at*  
 35 *the discretion of the director, more frequent audits and inspections*  
 36 *may be conducted.*

37 The director shall make a charge of \$2.50 for the initial inspec-  
 38 tion for each vehicle subject to inspection, which amount shall be  
 39 paid to the director or his representative when payment of the  
 40 registration fees fixed in chapter 3 of this Title is made. Said fee  
 41 is not applicable to reinspection by licensed reinspection centers of  
 42 vehicles rejected upon initial inspection at a motor vehicle inspec-  
 43 tion station.

1 2. Section 6 of P. L. 1075, c. 156 (39:8-14) is amended to read  
 2 as follows:

3 6. The director may license any person who is the owner or  
 4 lessee of **[50]** 10 or more motor vehicles to *initially inspect*, rein-  
 5 spect and certify those vehicles **[if initially inspected at a motor**  
 6 **vehicle inspection station]** if such person has available to *him* the  
 7 equipment, facilities and qualified employees, *or other qualified*  
 8 *person under his control by contract*, necessary to make the required  
 9 initial inspection, adjustments, corrections or repairs. *When the*  
 10 *licensee, or his employee or other qualified person under his control,*  
 11 *conducts an initial inspection, he shall certify that he or his em-*  
 12 *ployee or other qualified person under his control by contract, has*  
 13 *inspected the motor vehicle as prescribed by the director and has*  
 14 *found that the motor vehicle conforms to the standards established*  
 15 *by law or regulation. **[Such]** When a motor vehicle is reinspected,*  
 16 *the licensee shall certify that the items for which a vehicle was*  
 17 *initially rejected have been adjusted, corrected or repaired by him*  
 18 *or under his direction and that the condition of said items conforms*

19 to the standards established by law or regulation. Such certifi-  
20 cation shall be evidenced by [a] *an initial or* reinspection approval  
21 sticker placed on the vehicle as prescribed by the director.

1 3. (New section) a. The Director of the Division of Motor  
2 Vehicles in addition to any existing authority, shall, for a period  
3 not to exceed 12 months, be authorized to designate reinspection  
4 centers as official inspection stations for the purpose of conducting  
5 initial motor vehicle inspections pursuant to the provisions of R. S.  
6 39:8-1. This subsection shall only become operative upon certifi-  
7 cation by the federal Environmental Protection Agency that this  
8 act complies with the effective State Implementation Plan required  
9 by the "Clean Air Act Amendments of 1970," Pub. L. 91-604  
10 (42 U. S. C. 7410).

11 b. For the purposes of this act, only those reinspection centers  
12 licensed pursuant to section 3 of P. L. 1975, c. 156 (C. 39:8-11 et  
13 seq.) and properly equipped to comply with the standards estab-  
14 lished by law or regulation may be designated as official inspection  
15 stations.

1 4.(New section) a. Official inspection stations designated pur-  
2 suant to section 3 of this act shall inspect and certify or reject a  
3 motor vehicle presented for an initial inspection. Certification  
4 shall indicate that the vehicle has been inspected as prescribed by  
5 the director and that the motor vehicle conforms to the standards  
6 established by law or regulation.

7 b. Official inspection stations shall be entitled to charge a fee  
8 for each initial inspection performed. The amount to be charged  
9 shall be determined by the director. A schedule of charges for  
10 initial inspections shall be posted in a prominent place on the prem-  
11 ises and a copy shall be filed with the director. Charges for initial  
12 inspections, reinspections and repairs shall be separately stated.

13 c. No official inspection station shall require, as a condition of  
14 performing the inspection that any needed repairs or adjustments  
15 be done by the person, or at the facility of the person, performing  
16 the inspection.

17 d. No service or adjustment shall be performed on the vehicle  
18 at the official inspection station where the vehicle was initially  
19 inspected unless the customer signs a written acknowledgment and  
20 waiver that he understands his rights to have service and adjust-  
21 ment done elsewhere and expressly waives his rights.

22 e. The director shall provide each official inspection station as  
23 many numbered initial inspection approval stickers as may be re-  
24 quired, and may charge a fee of \$1.00 for each sticker. There shall  
25 be no refund or credit for expired or unused initial inspection

26 stickers. Every official inspection station shall keep records of all  
27 initial inspections performed and approved stickers issued as the  
28 director may prescribe. All records shall be made available to the  
29 director upon demand. Every official inspection station shall in-  
30 stitute safeguards to secure stickers from theft, loss or fraudulent  
31 use as the director may prescribe. Every official inspection station  
32 shall return any unused or expired stickers to the director and  
33 shall upon request account to the director for all stickers.

1 4. (New section) Any person who affixes an initial inspection  
2 approval sticker to a motor vehicle without having inspected the  
3 motor vehicle, or without having determined that the condition  
4 of any item conforms to standards established by law or regula-  
5 tion, shall be guilty of violating the provisions of this act, and  
6 shall be fined not less than \$1,000.00 nor more than \$1,500.00 and  
7 shall have his license, issued pursuant to P. L. 1975, c. 156  
8 (C. 39:8-11 et seq.), suspended for a period of at least one year  
9 but not more than three years for a first offense or not less than  
10 \$2,000.00 nor more than \$3,500.00 and shall have the license per-  
11 manently revoked for a subsequent offense. This section shall be  
12 enforced pursuant to R. S. 39:8-9.

13 Any person who charges a fee for repair work not performed  
14 or performed unnecessarily and affixes an initial inspection ap-  
15 proval sticker shall be punished under the terms of P. L. 1960,  
16 c. 39 (C. 56:8-1 et seq.), and any regulation adopted thereunder.

1 6. (New section) a. In addition to any existing authority of the  
2 director to deny, suspend, revoke or refuse renewal of a license  
3 issued pursuant to section 11 of P. L. 1975, c. 156 (C. 39:8-19),  
4 the director may also suspend, revoke or refuse renewal of the  
5 license if an official inspection station makes initial inspection  
6 charges in excess of those posted on the premises and filed with  
7 the director.

8 b. The suspension or revocation of a license issued pursuant to  
9 section 11 of P. L. 1975, c. 156 (C. 39:8-19) shall not of itself be  
10 cause for the denial, suspension or revocation of any other busi-  
11 ness license held by the official inspection station licensee issued  
12 by the State or any of its political subdivisions.

1 7. (New section) Any person who discontinues operation of an  
2 official inspection station or whose license has been suspended or  
3 revoked or whose renewal thereof has been denied, shall forthwith  
4 deliver to the director the license, all unused initial inspection ap-  
5 proval stickers, all inspection records and other items issued to the  
6 licensee or required by the director to be kept in connection with  
7 the operation of the official inspection station. Any person who

8 fails to deliver any item to the director is a disorderly person.

1 8. (New section) Any person who shall display or cause or permit  
2 to be displayed any sign, mark, or advertisement as an official in-  
3 spection station when such a designation has not been made by the  
4 director or is not then in effect, or who shall transfer or attempt  
5 to transfer a designation as an official inspection station is a dis-  
6 orderly person.

1 9. (New section) The director may, subject to existing law, em-  
2 ploy such persons and make such expenditures as are necessary to  
3 supervise the operation of designated official inspection stations to  
4 insure compliance with the provisions of this act and the regula-  
5 tions adopted pursuant thereto.

1 10. (New section) a. Within 90 days of the effective date of this  
2 act, the director, in cooperation with the Department of Environ-  
3 mental Protection, shall adopt regulations establishing standards  
4 for all licensed reinspection centers designated as official inspection  
5 stations pursuant to this act.

6 b. Except as provided in subsection c. of this section, all licensed  
7 reinspection centers shall use emission test equipment which has  
8 been certified by the Department of Environmental Protection. The  
9 department shall adopt standards within 90 days of the effective  
10 date of this act, for the certification of the equipment, which shall  
11 include but not be limited to all of the following:

12 (1) An automated system to control test sequencing, the auto-  
13 matic pass or fail decision, and the format for the test report and  
14 recorded magnetic tape file;

15 (2) An exhaust gas analysis portion;

16 (3) A device to accept and record vehicle identification informa-  
17 tion; and

18 (4) A device to provide a printed record of the test results to  
19 the consumer.

20 c. Facilities which have been licensed by the director as "re-  
21 inspection centers" prior to May 1, 1983, may apply to the director  
22 for certification as official inspection stations which do not require  
23 immediate compliance with the standards established under sub-  
24 section b. of this section concerning the certification of equipment  
25 provided that the Department of Environment Protection certifies  
26 that the licensure complies with the Clean Air Act (42 U. S. C. 7401  
27 et seq.). In the event that this act is extended to May 1, 1985 or  
28 thereafter the facilities shall comply with the standards established  
29 under subsection b. of this section by May 1, 1985, in order to main-  
30 tain certification under this act.

1 11. (New section) a. Within 90 days of the effective date of this  
2 act, the director, in cooperation with the Department of Environ-  
3 mental Protection, shall adopt regulations establishing standards  
4 for the training and certification of mechanics employed by licensed  
5 reinspection centers.

6 b. Except as provided in subsection c. of this section, no licensee  
7 nor his employee may perform inspections and make repairs for  
8 compensation pursuant to this act unless qualified by the comple-  
9 tion of training courses prescribed by the division in cooperation  
10 with the Department of Environmental Protection.

11 c. Licensees and employees of facilities licensed by the director  
12 as "reinspection centers" prior to May 1, 1983, may perform in-  
13 spections or make repairs for compensation pursuant to this act  
14 without immediately complying with the requirements of subsection  
15 b. of this section concerning training and certification of mechanics.  
16 In the event that this act is extended beyond May 1, 1985 or there-  
17 after all licensees and employees of licensees shall comply with the  
18 standards concerning certification and training of mechanics by  
19 May 1, 1985, in order to perform inspections or make repairs for  
20 compensation pursuant to this act after that date.

21 d. The director in cooperation with the Department of Environ-  
22 mental Protection shall take all necessary steps to promote expedi-  
23 tious compliance with the training and certification of mechanics  
24 as provided in this section.

1 12. (New section) The Director of the Division of Motor Vehi-  
2 cles shall report to the Legislature nine months after the effective  
3 date of this act as to the implementation of the provisions of this  
4 act. In the event that this act is not extended beyond the original  
5 expiration date, the director shall report to the Legislature and the  
6 Governor regarding what will be needed to reconstitute the public  
7 inspection system.

1 13. This act shall take effect immediaely but shall expire on the  
2 first day of the 12th month following enactment.

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#### STATEMENT

This bill results from the Assembly Judiciary, Law, Public Safety and Defense Committee's study of the current problems of the motor vehicle inspection system. Under a federal court order the State is required to return to the annual system of automotive emission testing that was in existence in August of 1982 prior to the adoption by the Division of Motor Vehicles of a biennial system of inspection. Due to the limited number of inspection personnel

available at State operated inspection stations to conduct the large number of inspections that will result, this bill provides for the temporary utilization of certain licensed reinspection centers to conduct initial inspections in addition to reinspections.

This bill permits the Director of the Division of Motor Vehicles to designate properly equipped licensed reinspection centers as official inspection stations. The procedural requirements and safeguards present at public inspection stations are to be followed at the reinspection centers. A fee to conduct initial inspections is to be charged by the centers at a rate to be determined by the director. It is anticipated that the adoption of this solution for not more than 12 months will enable the State to comply with the court's order while improving operations at State inspection stations.

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SENATE LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE

STATEMENT TO  
**SENATE, No. 3472**

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**STATE OF NEW JERSEY**

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DATED: JUNE 20, 1983

The purpose of Senate Bill No. 3472 is to provide a solution to the current problems of the motor vehicle inspection system. Under a federal court order the State is required to return to the annual system of automotive emission testing that was in existence in August of 1982 prior to the adoption by the Division of Motor Vehicles of a biennial system of inspection. Due to the limited number of inspection personnel available at State operated inspection stations to conduct the large number of inspections that will result, this bill provides for the temporary utilization of certain licensed reinspection centers to conduct initial inspections in addition to reinspections.

This legislation permits the Director of the Division of Motor Vehicles to designate properly equipped licensed reinspection centers as official inspection stations. The procedural requirements and safeguards present at public inspection stations are to be followed at the reinspection centers. A fee to conduct initial inspections is to be charged by the centers at a rate to be determined by the director. It is anticipated that the adoption of this solution for not more than six months will enable the State to comply with the court's order while improving operations at State inspection stations.

[OFFICIAL COPY REPRINT]  
SENATE, No. 3472

STATE OF NEW JERSEY

INTRODUCED JUNE 20, 1983

By Senators KENNEDY and GRAVES

Referred to Committee on Law, Public Safety and Defense

AN Act permitting the Director of the Division of Motor Vehicles to designate licensed reinspection centers as official inspection stations for a fixed period of time, amending \*R. S. 39:8-1\* R. S. 39:8-2 and P. L. 1975, c. 156 and supplementing Title 39 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 \*1. (New section) *The Legislature finds and declares its intent to*  
2 *provide a program for inspecting motor vehicles that will meet all*  
3 *the goals of the federal Clean Air Act (42 U. S. C. 7401 et seq.).*  
4 *Towards this end, it is intended that the appropriation included in*  
5 *P. L. . . . ., c. . . . (now pending before the Legislature as*  
6 *either Assembly Bill No. 3604 of 1983 or Senate Bill No. 3473 of*  
7 *1983) shall provide sufficient resources for the Division of Motor*  
8 *Vehicles to implement for one year a motor vehicle inspection*  
9 *system utilizing reinspection centers, licensed pursuant to section*  
10 *3 of P. L. 1975, c. 156 (C. 39:8-11), to conduct initial inspections*  
11 *while remaining prepared to return to a completely State-operated*  
12 *system after the one year period, unless the Legislature determines*  
13 *to continue to authorize the motor vehicle inspection system*  
14 *established in this act\*.*

1 \*2. R. S. 39:8-1 is amended to read as follows:

2 39:8-1. The director shall require every motor vehicle registered  
3 in this State which is used over the highways of this State, except  
4 vehicles and traction equipment registered pursuant to [section]

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Senate amendments adopted June 23, 1983.

5 R. S. 39:3-24 [of this Title, motor vehicles used for the transporta-  
6 tion of passengers for hire which are subject to the jurisdiction of  
7 the board of public utility commissioners] and historic motor  
8 vehicles registered as such, to have such motor vehicles inspected  
9 by designated inspectors or at official inspection stations to be  
10 designated by the director. The director shall have the discretion  
11 to determine what motor vehicle equipment shall be subject to in-  
12 spection under the provisions of this chapter.\*

1 \***[1.]**\* \*3.\* R. S. 39:8-2 is amended to read as follows:

2 39:8-2. The director may designate and appoint, subject to exist-  
3 ing laws, competent examiners of motor vehicles to examine motor  
4 vehicles required to be inspected in accordance with the provisions  
5 of this chapter. Such examiners may be delegated to enforce the  
6 provisions of the motor vehicle and traffic law.

7 The director may make rules and regulations with respect to the  
8 character [and frequency] of the inspections to be made, *with*  
9 *respect to the frequency of inspections \*new\* of motor vehicles* and  
10 with respect to the approval or rejection of motor vehicles as a  
11 result of such inspections. *All other vehicles required by the*  
12 *director to be inspected under this chapter shall be inspected at*  
12A *least annually.*

13 *Rules and regulations relating to the frequency and character of*  
14 *vehicle emissions inspections shall be promulgated in cooperation*  
15 *with the Department of Environmental Protection.*

16 The director shall furnish to designated examiners official certifi-  
17 cates of approval, the form, content and use of which he shall  
18 prescribe.

19 The director may, with the approval of the State House Com-  
20 mission, purchase, lease or acquire by the exercise of the power of  
21 eminent domain any property for the purpose of assisting him in  
22 carrying out the provisions of this chapter. Such property may  
23 also be used by the director for the exercise of the duties and  
24 powers conferred upon him by the other chapters of this Title.

25 *The director shall conduct random roadside examinations of*  
26 *motor vehicles required to be inspected in this State to provide a*  
27 *continuous monitoring of motor vehicles. Each year at least 1%*  
28 *of the total number of motor vehicles registered in the State shall*  
29 *be inspected by roadside examination teams under the supervision*  
30 *of the director.*

31 *The director shall conduct inspections and audits of licensed*  
32 *reinspection centers to insure accurate test equipment calibration*  
33 *and use, and compliance with the provisions of this act. These*  
34 *inspections and audits shall be conducted monthly, except that at*

35 *the discretion of the director, more frequent audits and inspections*  
 36 *may be conducted.*

37 The director shall make a charge of \$2.50 for the initial inspec-  
 38 tion for each vehicle subject to inspection, which amount shall be  
 39 paid to the director or his representative when payment of the  
 40 registration fees fixed in chapter 3 of this Title is made. Said fee  
 41 is not applicable to reinspection by licensed reinspection centers of  
 42 vehicles rejected upon initial inspection at a motor vehicle inspec-  
 43 tion station.

1 \***[2.]**\* \*4.\* Section 6 of P. L. 1975, c. 156 (39:8-14) is amended to  
 2 read as follows:

3 6. The director may license any person who is the owner or  
 4 lessee of **[50]** 10 or more motor vehicles to *initially inspect*, rein-  
 5 spect and certify those vehicles **[if initially inspected at a motor**  
 6 **vehicle inspection station]** if such person has available to *him* the  
 7 equipment, facilities and qualified employees, *or other qualified*  
 8 *person under his control by contract*, necessary to make the required  
 9 initial inspection, adjustments, corrections or repairs. *When the*  
 10 *licensee, or his employee or other qualified person under his control,*  
 11 *conducts an initial inspection, he shall certify that he or his em-*  
 12 *ployee or other qualified person under his control by contract, has*  
 13 *inspected the motor vehicle as prescribed by the director and has*  
 14 *found that the motor vehicle conforms to the standards established*  
 15 *by law or regulation. [Such] When a motor vehicle is reinspected,*  
 16 *the licensee shall certify that the items for which a vehicle was*  
 17 *initially rejected have been adjusted, corrected or repaired by him*  
 18 *or under his direction and that the condition of said items conforms*  
 19 *to the standards established by law or regulation. Such certifi-*  
 20 *cation shall be evidenced by [a] an initial or reinspection approval*  
 21 *sticker placed on the vehicle as prescribed by the director.*

1 \***[3.]**\* \*5.\* (New section) a. The Director of the Division of Motor  
 2 Vehicles in addition to any existing authority, shall, for a period  
 3 not to exceed 12 months, be authorized to designate reinspection  
 4 centers as official inspection stations for the purpose of conducting  
 5 initial motor vehicle inspections pursuant to the provisions of R. S.  
 6 39:8-1. \***[This subsection shall only become operative upon certifi-**  
 7 **cation by the federal Environmental Protection Agency that this**  
 8 **act complies with the effective State Implementation Plan required**  
 9 **by the "Clean Air Act Amendments of 1970," Pub. L. 91-604**  
 10 **42 U. S. C. 7410).]**\*

11 b. For the purposes of this act, only those reinspection centers  
 12 licensed pursuant to section 3 of P. L. 1975, c. 156 (C. 39:8-11 et  
 13 seq.) and properly equipped to comply with the standards estab-

14 lished by law or regulation may be designated as official inspection  
15 stations.

1 \***[4.]**\* \*6.\* (New section) a. Official inspection stations designated  
2 pursuant to section \***[3]**\* \*5\* of this act shall inspect and certify or  
3 reject a motor vehicle presented for an initial inspection. Certifica-  
4 tion shall indicate that the vehicle has been inspected as prescribed  
5 by the director and that the motor vehicle conforms to the standards  
6 established by law or regulation.

7 b. Official inspection stations *\*designated pursuant to section 5*  
8 *of this act\** shall be entitled to charge a fee for each initial inspec-  
9 tion performed. The amount to be charged shall be determined by  
10 the director. A schedule of charges for initial inspections shall be  
11 posted in a prominent place on the premises and a copy shall be  
12 filed with the director. Charges for initial inspections, reinspec-  
12A tions and repairs shall be separately stated.

13 c. No official inspection station shall require, as a condition of  
14 performing the inspection that any needed repairs or adjustments  
15 be done by the person, or at the facility of the person, performing  
16 the inspection.

17 d. No service or adjustment shall be performed on the vehicle  
18 at the official inspection station where the vehicle was initially  
19 inspected unless the customer signs a written acknowledgment and  
20 waiver that he understands his rights to have service and adjust-  
21 ment done elsewhere and expressly waives his rights.

22 e. The director shall provide each official inspection station as  
23 many numbered initial inspection approval stickers as may be re-  
24 quired, and may charge a fee of \$1.00 for each sticker. There shall  
25 be no refund or credit for expired or unused initial inspection  
26 stickers. Every official inspection station shall keep records of all  
27 initial inspections performed and approved stickers issued as the  
28 director may prescribe. All records shall be made available to the  
29 director upon demand. Every official inspection station shall in-  
30 stitute safeguards to secure stickers from theft, loss or fraudulent  
31 use as the director may prescribe. Every official inspection station  
32 shall return any unused or expired stickers to the director and  
33 shall upon request account to the director for all stickers.

1 \***[4.]**\* \*7.\* (New section) Any person who affixes an initial in-  
2 spection approval sticker to a motor vehicle without having in-  
3 spected the motor vehicle, or without having determined that the  
4 condition of any item conforms to standards established by law or  
5 regulation, shall be guilty of violating the provisions of this act, and  
6 shall be fined not less than \$1,000.00 nor more than \$1,500.00 and  
7 shall have his license, issued pursuant to P. L. 1975, c. 156

8 (C. 39:8-11 et seq.), suspended for a period of at least one year  
 9 but not more than three years for a first offense or not less than  
 10 \$2,000.00 nor more than \$3,500.00 and shall have the license per-  
 11 manently revoked for a subsequent offense. This section shall be  
 12 enforced pursuant to R. S. 39:8-9.

13 Any person who charges a fee for repair work not performed  
 14 or performed unnecessarily and affixes an initial inspection ap-  
 15 proval sticker shall be punished under the terms of P. L. 1960,  
 16 c. 39 (C. 56:8-1 et seq.), and any regulation adopted thereunder.

1 \***[6.]**\* \*8.\* (New section) a. In addition to any existing authority  
 2 of the director to deny, suspend, revoke or refuse renewal of a  
 3 license issued pursuant to section 11 of P. L. 1975, c. 156 (C.  
 4 39:8-19), the director may also suspend, revoke or refuse renewal  
 5 of the license if an official inspection station makes initial inspection  
 6 charges in excess of those posted on the premises and filed with  
 7 the director.

8 b. The suspension or revocation of a license issued pursuant to  
 9 section 11 of P. L. 1975, c. 156 (C. 39:8-19) shall not of itself be  
 10 cause for the denial, suspension or revocation of any other busi-  
 11 ness license held by the official inspection station licensee issued  
 12 by the State or any of its political subdivisions.

1 \***[7.]**\* \*9.\* (New section) Any person who discontinues operation  
 2 of an official inspection station or whose license has been suspended  
 3 or revoked or whose renewal thereof has been denied, shall forth-  
 4 with deliver to the director the license, all unused initial inspection  
 5 approval stickers, all inspection records and other items issued to  
 6 the licensee or required by the director to be kept in connection with  
 7 the operation of the official inspection station. Any person who  
 8 fails to deliver any item to the director is a disorderly person.

1 \***[8.]**\* \*10.\* (New section) Any person who shall display or cause  
 2 or permit to be displayed any sign, mark, or advertisement as an  
 3 official inspection station when such a designation has not been made  
 4 by the director or is not then in effect, or who shall transfer or  
 5 attempt to transfer a designation as an official inspection station is  
 6 a disorderly person.

1 \***[9.]**\* \*11.\* (New section) The director may, subject to existing  
 2 law, employ such persons and make such expenditures as are  
 3 necessary to supervise the operation of designated official inspection  
 4 stations to insure compliance with the provisions of this act and the  
 5 regulations adopted pursuant thereto.

1 \***[10.]**\* \*12.\* (New section) a. Within 90 days of the effective  
 2 date of this act, the director, in cooperation with the Department of  
 3 Environmental Protection, shall adopt regulations establishing

4 standards for all licensed reinspection centers designated as official  
5 inspection stations pursuant to this act.

6 b. Except as provided in subsection c. of this section, all licensed  
7 reinspection centers shall use emission test equipment which has  
8 been certified by the Department of Environmental Protection. The  
9 department shall adopt standards within 90 days of the effective  
10 date of this act, for the certification of the equipment, which shall  
11 include but not be limited to all of the following:

12 (1) An automated system to control test sequencing, the auto-  
13 matic pass or fail decision, and the format for the test report and  
14 recorded magnetic tape file;

15 (2) An exhaust gas analysis portion;

16 (3) A device to accept and record vehicle identification informa-  
17 tion; and

18 (4) A device to provide a printed record of the test results to  
19 the consumer.

20 c. Facilities which have been licensed by the director as "re-  
21 inspection centers" prior to May 1, 1983, may apply to the director  
22 for certification as official inspection stations which do not require  
23 immediate compliance with the standards established under sub-  
24 section b. of this section concerning the certification of equipment  
25 provided that the Department of Environment Protection certifies  
26 that the licensure complies with the Clean Air Act (42 U. S. C. 7401  
27 et seq.). In the event that this act is extended to May 1, 1985 or  
28 thereafter the facilities shall comply with the standards established  
29 under subsection b. of this section by May 1, 1985, in order to main-  
30 tain certification under this act.

1 \***[11.]**\* \*13.\* (New section) a. Within 90 days of the effective date  
2 of this act, the director, in cooperation with the Department of  
3 Environmental Protection, shall adopt regulations establishing  
4 standards for the training and certification of mechanics employed  
5 by licensed reinspection centers.

6 b. Except as provided in subsection c. of this section, no licensee  
7 nor his employee may perform inspections and make repairs for  
8 compensation pursuant to this act unless qualified by the comple-  
9 tion of training courses prescribed by the division in cooperation  
10 with the Department of Environmental Protection.

11 c. Licensees and employees of facilities licensed by the director  
12 as "reinspection centers" prior to May 1, 1983, may perform in-  
13 spections or make repairs for compensation pursuant to this act  
14 without immediately complying with the requirements of subsection  
15 b. of this section concerning training and certification of mechanics.  
16 In the event that this act is extended beyond May 1, 1985 or there-

17 after all licensees and employees of licensees shall comply with the  
 18 standards concerning certification and training of mechanics by  
 19 May 1, 1985, in order to perform inspections or make repairs for  
 20 compensation pursuant to this act after that date.

21 d. The director in cooperation with the Department of Environ-  
 22 mental Protection shall take all necessary steps to promote expedi-  
 23 tious compliance with the training and certification of mechanics  
 24 as provided in this section.

1 \*~~[12.]~~\* \*14.\* (New section) The Director of the Division of Motor  
 2 Vehicles shall report to the Legislature nine months after the  
 3 effective date of this act as to the implementation of the provisions  
 4 of this act. In the event that this act is not extended beyond the  
 5 original expiration date, the director shall report to the Legislature  
 6 and the Governor \*~~[regarding what will be needed]~~\* *\*and recom-*  
 7 *mend appropriate steps to be taken\** to reconstitute the \*~~[public]~~\*  
 8 *\*State operated\** inspection system.

1 \*15. (New section) a. Upon expiration of certain sections and  
 2 subsections of this act, as provided in section 16 all motor vehicles  
 3 subject to inspection pursuant to R. S. 39:8-1 shall be initially in-  
 4 spected at official inspection stations.

5 b. Upon expiration of certain sections and subsections of this act  
 6 as provided in section 16, all reinspection centers licensed pursuant  
 7 to P. L. 1975, c. 156 (C. 39:8-11 et seq.), complying with the pro-  
 8 visions of this act, any amendatory or supplementary acts and all  
 9 rules and regulations adopted by the director, may reinspect all  
 10 motor vehicles subject to inspection pursuant to R. S. 39:8-1.\*

1 \*~~[13.]~~\* \*16.\* This act shall take effect immediately but *\*shall*  
 2 *remain inoperative until the enactment of either Assembly Bill No.*  
 3 *3604 of 1983 or Senate Bill No. 3473 of 1983 (now pending before*  
 4 *the Legislature) and, except for sections 2, 3, 4, 6c., d., and e., 7, 8,*  
 5 *9, 10, 11, 12, 13 and 15,\* shall expire on the first day of the 12th*  
 6 *month following enactment \*unless extended by law beyond that*  
 7 *date\*.*

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AUTOMOBILE INSPECTION SYSTEM

PAGE TWO

JUNE 30, 1983

He has directed:

\*A six-day week, extending the current half-day operations on-Saturdays to a full-day.

\*One additional evening of operations per week at all public stations.

\*A ticket system under which motorists in a waiting line of one hour or longer will be given notification they can return at anytime over a 90-day period to undergo the inspection procedure.

\*Establishment of a toll-free hot line telephone number to which motorists can call to determine waiting lines at all stations, thus, permitting individuals to seek out the shortest waiting lines in a particular region.

"Waiting lines of one hour's duration are totally unacceptable and, in fact, defeat the entire purpose of the program," Kean said. "The administrative steps I have ordered will cut into those waiting times rather substantially."

"Moreover, under the ticket system, we anticipate that many motorists will be able to take advantage of the private garage system since it will be in operation by the expiration of the 90-day period," Kean said.

"These regulations are designed to filter off vehicles from overcrowded State stations and permit them to return for inspection once the dual system is in operation and capable of handling the overload," Kean said.

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AUTOMOBILE INSPECTION SYSTEM

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JUNE 30, 1983

"I have also directed the Division of Motor Vehicles to move ahead as quickly as possible to prepare for the implementation of the private garage inspection system," Kean said. "Steps will be taken to add personnel to monitor the private system and the Division will move toward licensing current re-inspection stations to allow the dual system to become operational as soon as the Federal review process is completed."

Kean said the State Department of Environmental Protection will submit the necessary material based on the new legislation and the State plan to meet Federal clean air standards to the Environmental Protection Agency by the second week of July.

"We have been assured by EPA that it will expedite its process and publish the information in the Federal register by early August," Kean said. "Since EPA has indicated that the only requirement is for publication for public comment, I have directed the DEP and the Division of Motor Vehicles to conduct a joint public hearing in August to discuss issues related to the private garage option plan and to present the information from that hearing to EPA for their consideration."

"This approach will, I am convinced, provide all parties with the maximum opportunity to comment on the system and I have received assurances from the Attorney General's office that this action will satisfy all procedural requirements," Kean said.

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